

School Admission Appeals

Guidance for Parents – virtual appeal hearings

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PART A - THE APPEAL

1. Your right to appeal

All parents have the right to appeal if they are not offered a place at the school(s) that they would like their child to attend (their preferred school(s)).

This leaflet explains how to appeal and how the appeal process works. **Please read this carefully before filling in your appeal form.**

Your appeal against a decision not to admit your child should be sent to the Education Appeal Clerk at Central Bedfordshire Council, regardless of the type of school it is e.g., Community, Voluntary Controlled, Academy etc.

Your child should be in education while arrangements are made for your appeal. You can therefore accept a place at another school while you wait for your appeal to be heard.

2. How likely is my appeal to be successful?

Appeals only arise when schools are oversubscribed in a particular age group. Therefore, an appeal is more likely to be rejected than upheld.

3. In-year admission appeals

You have the right to appeal for any school that your child has been refused admission to. This might be in any one of the following instances:

- you want to move your child from one school to another within Central Bedfordshire and have been refused admission to the school you want; or
- you have moved into the area and you have been refused admission to the school you want for your child because the school is full; or
- your child has a disability, and you believe he or she has been unlawfully refused a place at the school you want because of this.

If your child has been refused admission to your preferred school(s) and you wish to find out more about available school places in your area, please contact the School Admissions Team on 0300 300 8037.

Please note that you cannot appeal for a place at any school not named on your original application form.

4. Infant class size appeals

Government regulations limit the size of an infant class (Reception, Year 1 and Year 2) with one teacher to 30 pupils. The admission authority can refuse to give a child a place if it would take a class over 30 pupils and cause 'class size prejudice'. Only in very limited circumstances can admission over the limit be permitted.

Where the admission authority has refused admission on the grounds that to admit the child would breach the infant class size limit, the circumstances in which an Independent Appeal Panel can uphold an appeal are **severely limited** as the Panel can only consider the following three factors:

- it finds that the admission of additional children would not breach the infant class size limit; or
- it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied, and the child would have been offered a place if the arrangements had been complied with or had been correctly and impartially applied; or
- it decides that the decision to refuse admission was not one which reasonable admission authority would make in the circumstances of the case.

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 reasonable 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'. 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. The courts have established this.

When considering whether you wish to appeal you need to be aware that appeals can only be upheld on these limited grounds and therefore the Panel has very little scope to uphold your appeal. **Your personal reasons for wanting the school, however strong, cannot be taken into account unless any of the above circumstances apply.**

In all other cases, the appeal must be dismissed.

Given the limited nature of the possible grounds on which an appeal may be upheld, Infant Class Size (ICS) appeals are rarely successful.

The above information is being drawn to your attention now in case it affects your wish to go ahead with the appeal or to continue with your hearing as parents often find it frustrating when they realise the limited powers of the Panel.

The purpose of this guidance is to explain clearly the role of the Panel and the position regarding an ICS appeal; it is not intended to discourage you from appealing or attending the hearing, which is your legal right.

5. Submitting your appeal

Please submit your appeal via the appellant portal which can be accessed on the Central Bedfordshire Council website via the link below:

https://www.centralbedfordshire.gov.uk/info/5/school_admissions/500/school_admission_appeals.

State clearly the reasons why it's best for your child to go to this school.

To request a paper appeal form, please call the Education Appeal Team on 0300 300 8029.

You can appeal for more than one school. Please use a separate form for each school.

If you want to submit any supporting evidence with the appeal form, please read paragraph 6 below.

You must return the form(s) by the deadline stated on your offer letter (shown below). If your appeal is received after the deadline it might not be possible to hear your appeal at the same time as the appeals that were received on time.

Transfer Round	Date offer letters sent	Deadline to receive appeal
Transfer to Upper school 2021	1 March 2021	12 April 2021
Transfer to Secondary school 2021	1 March 2021	12 April 2021
Transfer to Middle school 2021	16 April 2021	17 May 2021
Starting school 2021	16 April 2021	17 May 2021

You will receive an automatic electronic acknowledgement to confirm that the appeal form has been received. If you do not receive the confirmation please email the Education Appeals Clerk (education.appeals@centralbedfordshire.gov.uk) with the name of the school that you are appealing for, the child's name and date of birth to enable us to investigate.

6. How do I submit supporting evidence?

If you would like the Independent Appeal Panel to consider any supporting evidence you must provide this yourself e.g., any health records or letters from your doctor should be provided by you, as we will not contact your doctor to obtain them.

Letters of support from the school you are appealing for will not be accepted. We will only accept evidence provided by you, so please do not ask anyone to send evidence directly to us.

If possible, you should submit any evidence with your appeal form. However, if you have any additional evidence after your appeal form has been submitted, it can be uploaded to the appellant portal by the specified deadline. If you wish to submit any evidence after the specified deadline, please email this to education.appeals@centralbedfordshire.gov.uk.

If evidence is received after the specified deadline, the Panel must decide whether this information can be considered, taking into account its significance and the effect of a possible need to adjourn the hearing.

Evidence cannot be submitted after the appeal hearing has taken place.

7. What sort of supporting evidence should I submit?

If your case is based on medical or social reasons you should provide written evidence from a doctor, other medical practitioner or other professional to support this.

If your case is based on a house move you should provide written evidence, such as an exchange of contracts or a tenancy agreement. **We advise you not to appeal until you have exchanged contracts.**

We also advise you to provide evidence, including any letters of complaint and other correspondence, if part of your case for seeking a new school for your child is your dissatisfaction with the current school, for example if you believe your child is being bullied.

If you have religious or philosophical reasons for wanting your preferred school, we ask you to provide supporting evidence to help the Independent Appeal Panel have a full and proper understanding of your case.

PART B - INFORMATION ON THE APPEAL HEARING

8. When, how long and where will the appeal hearing be held?

In April 2020, the Department for Education made emergency regulations during the coronavirus outbreak which temporarily amend the 2012 Admission Appeal regulations.

The regulations advise that face-to-face appeal hearings should not take place until the government guidelines on social distancing indicate it is safe to do so. Admission authorities, clerks and panels should comply with the government guidelines applicable at the time of arranging and hearing the appeal.

Where face-to-face hearings cannot take place, hearings should be conducted by telephone or video conference. Where telephone or video conference is not possible, appeals conducted entirely on the basis of written submissions are acceptable.

In accordance with this guidance Central Bedfordshire Council have put in place arrangements to hear education appeals, virtually via Microsoft Teams (a free App that can be downloaded to your mobile device). We can support you to install and use the application.

If you do not have access to video conferencing facilities, your appeal will be conducted entirely on the basis of a written submission.

Virtual appeal hearings take place during the working day. **They are not heard at weekends, in the evenings and during school holidays.** We cannot accommodate your working patterns and you may need to book leave from work in order to attend the virtual appeal hearing. If you know that you cannot attend a hearing on certain dates (for example if you are on holiday), please include this information on the appeal form. If possible, we will try to avoid hearing your appeal on these dates.

The appeal hearings are scheduled to last one hour for individual hearings. If there are a large number of appeals (**Multiple Appeals**) for the same year at the same school, they may need to be heard over several days. These are known as **Group Hearings** (please see paragraph 19 below).

The School Admission Appeal Code advises that Admission authorities must ensure that appeals lodged by the appropriate deadlines are heard within the following timescales:

In-Year Admission Appeals must be heard within 30 school days of being lodged but we will try to arrange them sooner wherever possible.

For children due to start school and to move into the next tier of school, appeals will be heard within 40 school days of the deadline for lodging appeals.

Late appeals which do not meet the deadlines, and appeals made at any other time of year, will be heard within 30 school days of being submitted.

Please remember that school holidays do not count as school days.

The emergency regulations made by the Department of Education in April 2020 temporarily amend the 2012 Admission Appeal regulations to give admission authorities, local authorities and appeal panels some additional flexibility when dealing with appeals during the Covid-19 outbreak, and to ensure that appeal timetables work in light of school closures.

The temporary regulations impose some new rules relating to appeal timetables in that **Appeals should be determined as soon as is reasonably practicable and in accordance with the deadlines set by the temporary regulations.**

9. How much notice will I have of the appeal hearing?

You will receive written notification of the date, time and arrangements for your virtual appeal hearing no later than 14 calendar days before the hearing takes place. The notification will include a deadline for the submission of any further evidence by you.

The clerk for your appeal hearing will contact you to arrange a test call on MS Teams prior to your appeal hearing to ensure that you are able to access the system.

After the test call, the clerk will email you a link to join your virtual appeal hearing via MS Teams.

10. When will I receive the appeal hearing documentation?

The documentation to be considered at the virtual appeal hearing will be sent to you, the Independent Appeal Panel members and the school representative/School Admissions Officer at least seven calendar days before the hearing takes place. If you have not received the document pack three days before the hearing, please contact the Education Appeals Clerk.

The document pack will include your appeal form, any evidence you have submitted prior to the deadline given, a copy of the school's case and confirmation of the arrangements for the hearing.

The papers setting out the process for the appeal hearing will also contain the names of the Panel members who will hear your case. If you think you know any of them, please contact the Education Appeals Clerk as soon as possible.

11. Can I attend the appeal hearing?

Yes, you can. You will receive a link to attend the virtual appeal hearing on MS Teams and present your case in person. If possible, you should do so as it is very helpful for members of the Independent Appeal Panel to hear at first hand why you want your child to attend a particular school.

Your partner, a friend, adviser, interpreter or signer is welcome to come to the virtual appeal with you.

If you do not wish to attend the virtual hearing, your appeal will go ahead in your absence and the Panel will make their decision based on the written evidence you have provided with your appeal form. This also applies if you do not join the virtual appeal hearing, having previously indicated that you would be attending. **If you are prevented from attending the virtual hearing for an exceptional reason, please ring the Education Appeals Clerk on 0300 300 8029.**

Please note that it is not permissible for a representative of the school you are appealing for to accompany you to the virtual hearing or provide letters of support.

12. What if I have a special need or disability?

If you have a disability and need special arrangements to be made for you, please state this on the appeal form.

13. What if English is not my first language?

If you do not understand or speak English well, you can ask a friend or relative to attend the virtual appeal hearing with you to help you explain your case.

If you would like an interpreter to be present at the virtual hearing, please state this on the appeal form along with the language required.

14. Who will hear my appeal?

Your appeal will be heard by an Independent Appeal Panel composed of three members, one of whom will act as Chair. The members are unpaid, independent volunteers, who have been appointed and trained in accordance with the School Admission Appeals Code 2012.

The three members will include:

- at least one person who has no personal experience in the management of any school or the provision of education in any school (otherwise than as a Governor, or in any other voluntary capacity). This person is known as a 'lay member'; plus
- at least one person with experience in education who is familiar with the educational system in Central Bedfordshire.

A member will not hear your appeal if they know you or is connected to your preferred school or has had any previous involvement in your case.

Central Bedfordshire councillors are not eligible to sit as members of the Panel.

15. Who else will attend the appeal hearing?

Either a School Admissions Officer or a school representative will attend the virtual appeal hearing to present the case as to why your child cannot be admitted to your preferred school and answer any questions that you or the members of the Independent Appeal Panel may have.

The Education Appeals Clerk will attend to take notes at the hearing and provide advice and guidance about the procedure and arrangements. The Clerk will play no part in reaching a decision on your case but will remain with the Panel members while they make their decision.

16. What do I do if I want to withdraw my appeal?

If you change your mind after you have submitted your appeal, you can withdraw your appeal via the appellant portal. Select 'view appeal details' in the appellant portal. The option to withdraw your appeal will be shown at the bottom of the page.

PART C - THE APPEAL HEARING

17. What will happen on the day of the appeal hearing?

On the day of the appeal hearing you should join the virtual appeal hearing using the MS Teams link emailed to you.

When you join the virtual appeal hearing you will receive notification that you are in the lobby and someone in the meeting should admit you shortly. The clerk will receive the same notification. You will be admitted to the virtual appeal hearing as soon as the Panel are ready to proceed.

At the start of the virtual appeal hearing, the Chair of the Independent Appeal Panel will introduce everyone and explain how the appeal hearing will be conducted.

The Chair will ask the school representative or School Admissions Officer to make their case first, following which you and the Panel members will have the opportunity to ask questions.

You will then be given the opportunity to give your reasons for wanting your preferred school(s) and why you feel your child should be offered a place at the school(s). It may be worthwhile making notes before the hearing to enable you to remember all the things you want to say.

The school representative or School Admissions Officer, and then the Panel, will ask you questions. The Panel will have read your case documents and any supporting evidence. **Please note that there is no facility for you to make PowerPoint presentations or show DVDs.**

At the end of your submission, you will be asked whether you have raised all the issues you wanted to and whether there are any additional points you wish to make.

The school representative or Schools Admissions Officer and you will then be invited to sum up at the end of the hearing. Both parties will then leave the virtual appeal hearing at the same time.

The Panel will try and keep the appeal hearing as informal as possible, but it needs to ensure that both parties have the opportunity to explain their case and that the hearing is fair. Appeal hearings are not recorded except where this may help a parent with a disability.

While notes made by the Clerk during the appeal hearing may be used by the Panel, they are not available to anyone else. However, if there is a complaint to the Local Government Ombudsman, they can ask to see them.

18. The decision process

The Independent Appeal Panel makes its decision in private with the Education Appeals Clerk present. The Panel members consider all the evidence and the answers given to any questions. The Clerk guides the members as to the requirements of the law and records their decision.

The Panel will take into account everything that you and the School Admissions Officer or school representative presents at the appeal hearing as well as everything submitted in writing. The Panel is not able to take into account the position of your child on any waiting list.

The Panel will decide to either:

- uphold the appeal – in which case your child will be admitted to the school; or
- dismiss the appeal – in which case your child will not be offered a place at the school.

In coming to its decision, the Panel will consider:

- whether the admission authority's published admissions arrangements were applied correctly in your child's individual case and whether it agrees that the admission arrangements comply with the mandatory requirements.
- whether admitting more students to the school be likely to cause prejudice (damage) to the school's ability to provide an efficient education or use its resources effectively.
- If the Panel decides that the admission arrangements were not correctly and impartially applied, or that the admission of an additional child(ren) would not prejudice the provision of efficient education or the efficient use of resources, it will uphold your appeal.

If the Panel considers that admitting your child would prejudice the provision of efficient education or the efficient use of resources, it will consider whether the case for your child to attend the school outweighs the prejudice to the School and therefore should be admitted.

19. Multiple Appeals and Group Hearings

If there has been a high number of appeals (multiple appeals) for a particular year at a particular school, a two-stage process will be adopted. First, all parents will be invited to attend a 'group hearing' to hear the case for the Admission Authority case and to ask questions they may have about the school case only. The 'group hearing' will take place virtually via MS Teams. This is known as Stage 1. This hearing normally lasts about one hour but may take longer. At this stage the Independent Appeal Panel is only looking at the admission authority's case and you should not mention anything specific about your child.

Stage 2 of the appeal process is an individual hearing also held virtually via MS Teams where you will be able to explain your case in private to the Panel and your reasons for wanting your child to go to this school. No other parents will be present. Individual hearings are scheduled for 45 minutes.

Stage 1

This stage is about establishing the facts. The Panel will consider whether:

- the school's published admission arrangements comply with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998;
- the school's published admission arrangements were correctly and impartially applied to your child;
- to admit additional children would cause "prejudice to efficient education or the efficient use of resources".

The Panel will need to establish whether the relevant oversubscription criteria for the school, and coordinated admission arrangements, comply with mandatory requirements and were correctly and impartially applied to your child. If not, it must decide whether your child would have been offered a place had they been.

If it is clear that the children would have been offered a place if the admission arrangements had been correctly and impartially applied or had complied with the mandatory requirements, then the Panel must uphold your appeal, **unless** there is a significant number of children affected and to admit all would cause serious prejudice. If the Panel finds the latter, it must proceed to Stage 2 of the appeal process.

The Panel will then need to decide whether, despite the fact allocations had been made up to the published admission number, the admission of a further child would “prejudice the efficient education or efficient use of resources” and the affect an additional child would have on the school in the current and following academic years. It is for the school representative or School Admissions Officer to satisfy the Panel that prejudice would arise.

If the Panel finds that the admission of an additional child would not cause “prejudice” it must uphold the appeal. However, in multiple appeals where the number of appeals exceeds the number of additional children that could be admitted without causing prejudice, the Panel must proceed to Stage 2.

Equally, where the Panel is satisfied that the admission authority representative has been able to prove that there would be “prejudice” to admit another child then the Panel must also move on to Stage 2.

Please note that it is not the Panel’s role to reassess the organisation or capacity of the school, but it should consider the impact of admitting additional children in terms of the organisation and size of classes, availability of teaching staff and the effect on children already at the school.

Stage 2

The Panel must consider whether your grounds for **your child** to be admitted to your preferred school outweigh any “prejudice” that would be caused to the school by the admission of another child.

The Panel will use its discretion balancing between the degree of prejudice and the weight of evidence you have provided. The Panel will take into account your reasons for expressing a preference for the particular school, for example, what that school can offer your child that others cannot. It will also need to consider the consequences for the school and other children of complying with your wishes, before making a decision.

Where appeals for the same school are heard over several days’ decisions are not made until after the last appeal is heard.

PART D - AFTER THE APPEAL HEARING

20. When will I be told the outcome of my appeal?

The Education Appeals Clerk will **send** the decision in writing to all parties as soon as possible and by no later than seven calendar days after the hearing. **You will not be advised of the decision over the telephone or in person.**

Please note that where appeals for the same year at the same school are heard over several days, decisions are not made until after the last appeal is heard. If you have not received a decision letter within two weeks of the hearing, please email the Clerk.

21. Can I appeal again if my first appeal is rejected?

No, there is no further right of appeal.

22. Can I make a complaint about how my appeal was considered?

Yes, you can.

For Community, Voluntary Controlled and Voluntary Aided schools:

If you believe that the Independent Appeal Panel acted improperly or unreasonably in considering your case, you can complain to the Local Government Ombudsman. The Ombudsman can investigate the procedures. However, the Ombudsman will only investigate your complaint if they feel there may have been maladministration causing injustice to you. **The Ombudsman cannot overturn the decision.**

Your complaint must relate to issues such as a failure to follow correct procedures or improper behaviour, rather than a belief that the decision is wrong. Very occasionally following investigations the Ombudsman finds there has been maladministration that might have caused you injustice, in such circumstances they might suggest that a fresh appeal should be offered with different Panel members.

Although the decision of the original Panel is final, admission authorities do have the discretion to arrange a new Panel following an Ombudsman's recommendation and can undertake to accept the decision of the new Panel should it uphold an appeal.

For Academies (including those that are Free Schools):

The Secretary of State is responsible for complaints about appeals for Academies and has appointed the Education Funding Agency (EFA) to investigate these complaints on his behalf. The EFA can only investigate complaints about appeals that did not follow the procedures set out in the School Admission Appeals Code 2012.

The Secretary of State **cannot** review decisions of a Panel but can consider:

- whether the Panel was correctly constituted and
- whether the admission authority has acted reasonably in exercising its functions in respect of the appeal process.

Neither the EFA nor the Ombudsman can overturn a Panel's decision. These decisions can only be challenged in court through Judicial Review.

If the parent or admission authority successfully applies for Judicial Review in the courts, the decision can be overturned, but may not be.

Details about how to make a complaint about the way your appeal was conducted can be found at: <https://www.gov.uk/schools-admissions/appealing-a-schools-decision>

PART E - OTHER INFORMATION

Data Protection

We need you to give us your personal details so we can arrange your appeal. We will only share these details with relevant people such as the Independent Appeal Panel members.

Contact details

Education Appeals Clerk

Committee Services
Ground Floor West
Central Bedfordshire Council
Priory House
Chicksands
Shefford
Bedfordshire SG17 5TQ
Email: Education.Appeals@centralbedfordshire.gov.uk

School Admissions Team

Central Bedfordshire Council
Watling House
High Street North
Dunstable LU6 1LF
Tel: 0300 300 8037
Email: admissions@centralbedfordshire.gov.uk

Advisory Centre for Education

(a charity providing advice and support to parents on educational issues)
1B Aberdeen Studios
22 Highbury Grove, London N5 2DQ
Tel: 0808 800 5793
Web: www.ace-ed.org.uk

The Local Government Ombudsman

The Oak
Westwood Way
Westwood Business Park
Coventry
CV4 8JB
Tel: 0845 602 1983
Web: www.lgo.org.uk