

SCHOOL ADMISSION APPEALS

KEY STAGE 1 CLASS SIZE PREJUDICE

WHAT HAPPENS ON THE DAY OF THE APPEAL

This information applies to those seeking admission to Reception, Year 1 or Year 2 where the Admission Authority claims there would be infant class size prejudice.

Before the day of the appeal

You will have received details of the date and time of the appeal and the full pack of information available to the Panel.

People present at the appeal

1. **Independent Clerk to the Appeal Panel** - to advise the Panel on procedure. They take no part in the decision-making process and are not involved in the admissions process.
2. **The Presenting Officer from the Admission Authority** – either from the local authority or school (if it is an academy and therefore its own Admission Authority). They attend to explain why your child has been refused a place at the school.
3. **Three Panel Members** – recruited and trained in accordance with the guidelines set out. They are **completely independent of the Admission Authority** and have no connection with the Council. Any decisions they make in relation to the appeals are binding on the Admission Authority.

Procedure at the hearing

It is important you attend your hearing at the time given in your letter. There may be a number of appeal hearings for the same school which will have been closely scheduled and it is therefore necessary to try to avoid hearings overrunning to prevent delays for other parents waiting for their hearings. Appeal hearings are confidential so there should be no recording of the proceedings.

The procedure will vary depending on whether yours is the only appeal for a school or whether there are a number of appeals for the same school but it will allow for the following:

- The Chairman of the Panel who will conduct the hearing will introduce you to the other panel members, the Clerk to the Appeal Panel and the Presenting Officer
- The Presenting Officer will run through their Statement on behalf of the Admission Authority which explains why your child has not been offered a place at your preferred school (a copy of which you and the Panel will have already had)
- You and the Panel will be able to ask them questions on the Statement
- You will then have the opportunity to put your case to the Panel (the Panel will have all the paperwork that you have sent in and will have read it all in advance of the hearing)
- The Panel and the Presenting Officer will be able to ask you questions on your case
- Both parties will be asked to sum up their cases
- The appeal will then end and you and the Presenting Officer will leave the meeting at the same time.

How the Panel will consider the appeals

The **law** says that infant classes i.e. Key Stage 1 classes, both now and in the future, must not contain more than 30 pupils with a single qualified teacher. When dealing with this type of appeal the Appeal Panel are only allowed to consider the following clearly defined points:

A. Whether the admission of additional children would breach the infant class size limit.

B. Whether the child would have been offered a place if the admission arrangements had been properly implemented and the law complied with.

If the Admission Authority has not followed the law or broken its own admission rules, either deliberately or by mistake, then your appeal might succeed **BUT ONLY** if you can prove that your child would have got a place, had the law/rules been applied properly.

C. Whether the decision to refuse admission was not one that a reasonable Authority would make in the circumstances of the case.

In considering the reasonableness of the Admission Authority's decision, the Panel must determine whether it would be **perverse** to refuse to admit the particular child. The definition of perverse is set out in the School Admission Appeals Code and is extreme – the decision to refuse to admit was so outrageous in its defiance of logic or accepted moral standards no sensible person could have arrived at it.

The Panel can only consider the information/material that was available to the AA when it made the decision (in April for intake appeals) to refuse admission. So it is reviewing that decision. If your circumstances have changed since then it is not able to consider this.

The Appeal Panel has no power to analyse whether the admission arrangements themselves are reasonable or perverse.

The Appeal Panel can only consider these points for any Appeal relating to a Key Stage One admission. Your appeal will be unsuccessful unless you can substantiate one of the points detailed above.

NB: The KS1 legislation applies to all Admission Authorities across the country and not just in Worcestershire. Therefore, if you are unhappy with the way these appeals are dealt with you would need to contact your local MP.

Notification of the decision

You will receive an initial email on the day the decision is made to notify you whether your appeal was upheld or refused. Please note that if the Panel is considering a number of appeals for the same school over more than one day the decisions will be made after all the appeals have been heard, meaning that you may not have the result for a few days. You will then receive a letter by email giving the details of the decision within 5 school days of the decision being made, wherever possible.

Further action

If you win your appeal and get a place at your preferred school we will let the school/local authority know and your child will be able to start at the school. If you are unsuccessful, there is not another appeal, as legislation only permits one for the same school, per academic year. For intake appeals there may be some movement of pupils between the time of your appeal and September and so you may still get a place off the waiting list. You may want to discuss other options or alternatives with the relevant Admission Authority.

If you are unhappy with the decision of the Appeal Panel then you are free to seek legal advice or follow up other courses of action (details of which are contained in the Parent's Guide on the website).

If you have any questions prior to your appeal please contact the Appeals Team at on 01905 843579 or AppealsTeam@worcestershire.gov.uk, - please supply the name of the school you are appealing for and your child's name if your contact is by email.