



SCHOOL ADMISSION APPEALS GUIDANCE BOOKLET

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INTRODUCTION

If your child has not been offered a place at the school you would prefer him or her to attend, you may wish to appeal against the local authority's decision. To do this, the local authority arranges an Independent Appeal Panel (IAP) to consider the case. The IAP is not part of the local authority or any other admission authority. An appeal is your chance to explain to three independent people why you think you should be offered a place at your preferred school.

Your appeal will be heard privately and all paperwork relating to your appeal will be confidential. The only people who will see your appeal papers will be the three independent appeal panel members, the clerk, the School Admissions Team and the Council's Legal team if necessary.

This booklet has been produced to give you an overview of the appeals process and answers some frequently asked questions. This is not a full statement of the law or guidance and if you require further information please see further contact details at the end of this booklet.

You can complete an appeal form online at:

<http://www.bracknell-forest.gov.uk/schooladmissionsappeals>

BEFORE THE APPEAL

How do I appeal?

In order to appeal you need to have an offer letter from your local authority which refuses your child a place at one or more of your preferred schools. This means that if you haven't been offered any of your preferences or have not been allocated your first or second preference, you have the right to appeal for these schools.

Your appeal must be submitted using the online appeal form. If you are unable to complete the form online, please contact Customer Services.

If you have been refused a place at one of the following schools, these schools have their own appeals processes and you should contact them directly to submit an appeal.

- **Binfield Church of England Primary School**
- **St Joseph's Catholic Primary School**
- **St Michael's Church of England Primary School, Sandhurst**
- **Jennett's Park Church of England Primary School**
- **Ranelagh Church of England School**

If you are appealing for a place at a school in another local authority, for example in Windsor and Maidenhead, Reading or Wokingham please contact the relevant local authority to discuss their process.

Can I appeal for more than one school?

Yes, you can appeal for any school that you listed as a preference on your application form, however you would need to seek advice from the Customer Services team if you wished to appeal for a school that was one of your lower preferences. For example, if you were offered your first preference school and then wanted to appeal for a lower preference school.

What do I need to include in the grounds/reasons for submitting the appeal?

You should set out your reasons why you want your child to attend your preferred school and what the school can offer your child that other schools cannot. You may also give reasons why the allocated school may be unsuitable.

You can also provide other information and evidence to support your case for example a letter or statement from a member of the clergy, letters from doctors, health professionals or social workers.

What happens next?

You will receive an email to acknowledge receipt of your appeal form. Approximately two weeks ahead of the appeal you will receive an email advising you of the date, time and venue for your appeal hearing. The School Admissions Team will prepare the school's case in response to your appeal and this will be sent to you at least a week before the appeal hearing takes place.

You can submit additional information in support of your appeal up until at least three working days before the day of your appeal hearing. However we would encourage you to submit all information as soon as possible after lodging your appeal, to allow all parties to have sufficient time to consider it.

When will my appeal be heard?

Appeals lodged for children to begin school at primary, infant or junior school in September are usually heard in the preceding June and July.

Appeals lodged for children to start secondary school in September are usually heard in the preceding May.

Appeals lodged for children to start school during the school year or 'in-year' are heard within 30 school days.

How much notice will I get?

By law you are entitled to 10 school days notice of the date and time of the appeal hearing.

It may not always be possible to offer you an alternative date and time, but if there are exceptional reasons why you cannot attend, you should contact Customer Services.

AT THE APPEAL

Where will the appeal be held?

Appeals are usually held in the Council's Easthampstead House offices in the town centre. Details of the venue will be sent to you in advance of the appeal hearing.

How long will my appeal hearing last?

Your appeal will usually last for about 40 minutes. However, you will be given as much time as you need to present your case to the Panel so an appeal can take longer.

Do I need to attend?

Your attendance at the appeal hearing will help the Appeal Panel to understand the circumstances relating to your case.

If you are unable to attend the hearing and it is not practical to offer you an alternative date, or if you decide not to attend, then your appeal can be decided on the information that you have submitted.

Can I bring anyone with me to help me present my case?

You can ask someone to attend to help you put your case to the Panel. You may be accompanied or represented by a family member, a friend or advisor provided they are not an employee of the school in question.

Can I bring my child?

Attendance at appeals can be distressing for some children; therefore unless there are exceptional reasons, your child **should not** attend.

What do I do if I need special arrangements, or an interpreter, to enable me to attend the hearing?

If you have a disability, require the services of a translator or require any other arrangements to help you attend the hearing please contact Customer Services so that these can be arranged.

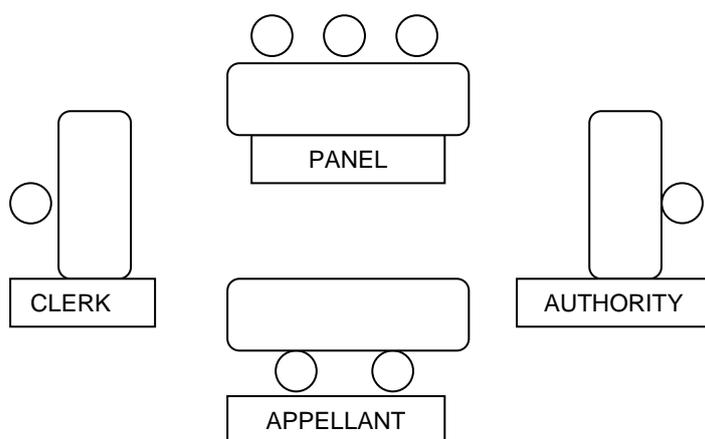
Who will be at the appeal?

The Appeals Panel will be made up of three people who are independent of the local authority and the school. At least one member of the panel will be experienced in education such as an ex teacher and at least one of the others must be a lay member. One of the Panel members will act as Chairman and will explain the proceedings to you.

The Appeals Clerk and the Presenting Officer for the Admissions Team will also be present.

The Presenting Officer may also be accompanied by a representative from the school for example the Head Teacher or a member of the School's Governing Body.

The layout of the appeal is usually set out as follows:



What happens at the appeal hearing?

The Chair will explain the procedure to you and how the appeal will be considered:

1. Welcome and Introductions
2. The School's case is put by the Local Authority Presenting Officer
3. You can ask questions of the School's Case
4. Panel members can ask questions of the School's Case
5. You will then be given the opportunity to give all your reasons for wanting your preferred school and why you feel you should be offered a place there
6. The Presenting Officer can ask you questions
7. Panel may ask you questions
8. You and the Presenting Officer can sum up your cases before leaving the hearing
9. Panel then make the decision in private (the Clerk will remain with the Panel while they make their decision)

What do I need to prepare?

To prepare for the hearing, you should:

1. Consider whether you wish to submit any additional material in support of your case, this must be submitted at least three working days before the appeal hearing.
2. Make a note of any statements in the local authority's case which you may want to ask questions about or seek clarification on at the hearing.
3. Be prepared to respond to questions at the hearing from the Presenting Officer and from the Panel.

4. Be ready with any factual clarifications of your case such as the dates of previous changes of address or school.

How are appeals determined?

For school admission appeals **not** relating to Infant Class Size legislation, the decision making follows a 2 stage process.

Stage One

At the first stage of the appeal, the Panel consider the case provided by the Admission Authority. The Panel consider whether the school's published admission arrangements were correctly applied in your case and decides whether "prejudice to the provision of effective education or the efficient use of resources" (known as 'prejudice') would arise if another child were to be admitted to the school. In other words, if another child was admitted over the published admission number the effect would this have on the school e.g. on staffing, organisation of the year, furniture, books or computer equipment.

The Panel must also consider whether the school's published admission arrangements comply with the mandatory requirements of the School Admission Code and Part 3 of the School Standards and Framework Act 1998.

If it is clear that your child would have been offered a place at the school if the admission arrangements had been correctly implemented, or that the school could accommodate one more pupil without prejudice, then the Panel will uphold your appeal at this stage.

Where there are others also appealing for a place known as "multiple appeals", and if the Panel finds that all the appeals could be allowed before prejudice would occur, then all the appeals must be allowed at the first stage.

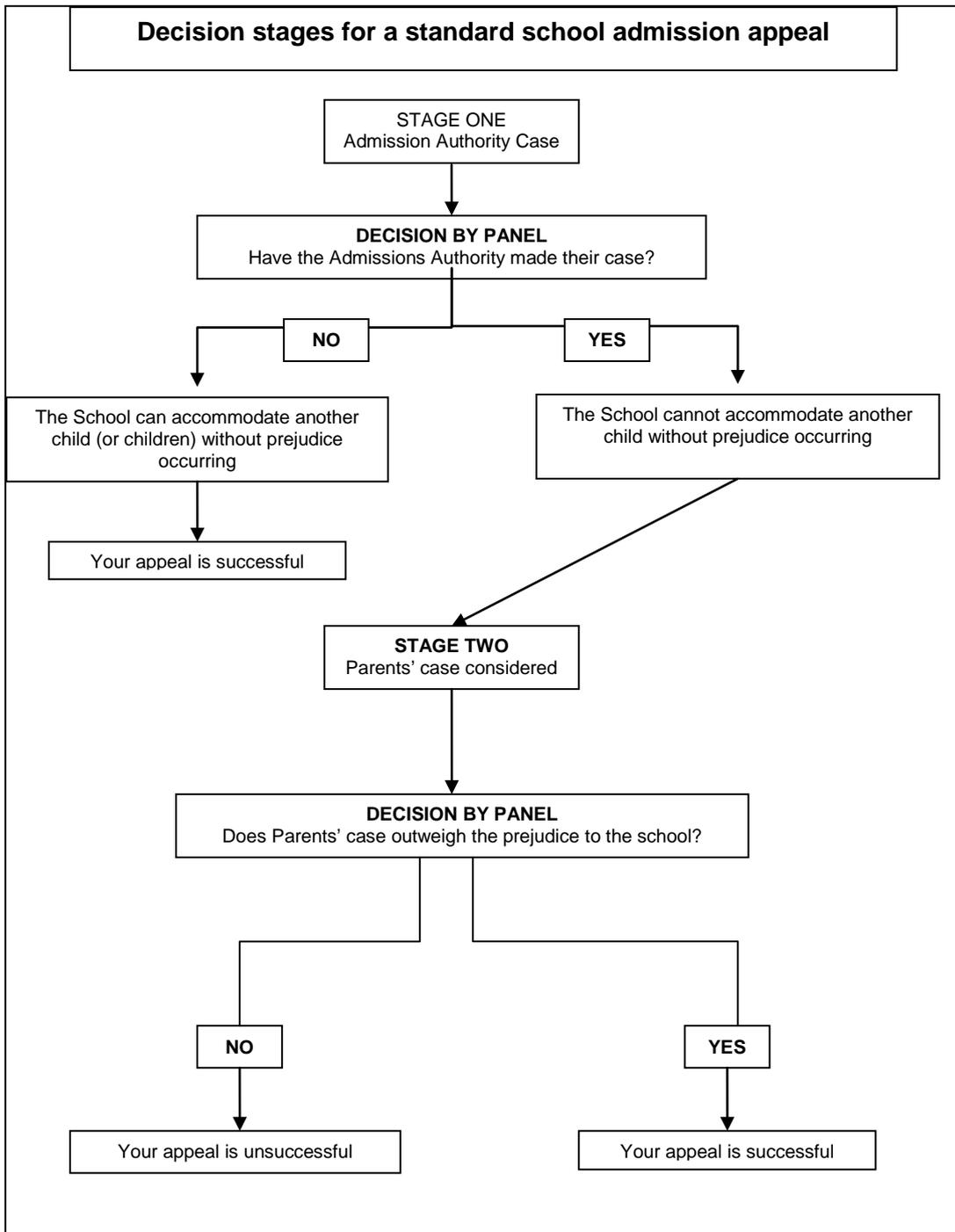
If your appeal is not allowed at this stage then the Appeal Panel must move onto the second stage.

Stage Two

At the second stage, known as the balancing stage, you will be asked to present your case for wanting your child to be admitted to your preferred school. The Panel will then have to balance your reasons against problems that would be faced by the school (or "prejudice") if your child were to be admitted. The Panel will have to consider the consequences to the school, the Admission Authority, and other children in the school if they were to allow your appeal.

If the Appeal Panel decides that your case is stronger than the school's case, and you are the only person appealing for a place at the school, the Appeal Panel will allow your appeal at the second stage.

Where there is more than one appeal for the same school ("multiple appeals"), and the Panel finds that there are more cases where the parents' cases are stronger than the schools case the decision making may be slightly different. The decision process may involve the Appeal Panel making comparisons between individual cases and deciding which of them to allow.



INFANT CLASS SIZE APPEALS

What does 'infant class size' mean?

The term 'infant class size' refers to classes in Reception (ages 4-5), Year 1 (ages 5-6) and Year 2 (ages 6-7). **Local Authorities must comply with the legal requirement that there should be no more than 30 pupils in an infant class with a single qualified teacher.**

There are a number of exceptional circumstances where a local authority may admit more than 30 pupils to a Reception, Year 1 or Year 2 class, these are as follows:

- a) children admitted outside the normal admissions round with statements of special educational needs specifying a school;
- b) looked after children admitted outside the normal admissions round;
- c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d) children admitted after an independent appeals panel upholds an appeal;
- e) children who move into the area outside the normal admissions round for whom there is no available school within reasonable distance;
- f) children of UK service personnel admitted outside the normal admissions round;
- g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- h) children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.

What does 'infant class size prejudice' mean?

The admission authority can refuse a child to a school where to do so would cause infant class size prejudice. This means that, if another child were to be admitted, it would breach the statutory limit of 30 children per class.

How will I know if my appeal is to be considered as an infant class size appeal?

When the appeal hearing papers are sent to you, they should state clearly whether the appeal relates to infant class size prejudice.

What is the decision making process for an infant class size appeal?

Where infant class size prejudice has been put as a reason for refusing a child a place at a preferred a school, there are very limited grounds for appeal.

An appeal can only be upheld if the appeal panel is satisfied that:

- a. the admission of additional children would not breach the infant class size limit;**
- b. 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 complied or had been correctly and impartially applied; or**
- c. the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.**

If you are appealing under b), you must show that there has been an error in the way the local or the statutory admission arrangements were applied. You must also show the panel that if this error hadn't occurred, your child **would** have been offered a place.

If you are appealing under c), you must show why the decision to refuse admission to your preferred school was not a reasonable one. The word 'reasonable' in this instance is given as a legal definition. The panel must decide whether the decision was so perverse or outrageous that no reasonable Admission Authority could have made that decision to refuse admission.

Statistics show that **it is rare for an infant class size appeal to be upheld.**

AFTER THE APPEAL

When will I hear the result of my appeal?

You will receive a decision letter from the clerk on behalf of the Panel, within five working days of the appeal hearing.

What happens if my appeal is unsuccessful?

The appeal panel's decision is legally binding on the local authority and the school. There is no further right of appeal against the Panel's decision.

You may remain on the school's waiting list, if the school operates a list. You may also apply for a place at the school in a later academic year.

Where there is a material change of your circumstances since your original appeal such as a medical condition or a change of address, you maybe able to submit a further appeal in the same academic year.

What can I do if I'm unhappy with the outcome of the appeal?

The Local Government Ombudsman can consider complaints from you if you consider that the procedures were not properly followed. This is not a right of appeal and complaints should relate to issues such as a failure to follow correct procedures or a failure to act independently or fairly, rather than you thinking that the decision was wrong. Contact details for the Ombudsman can be found at the end of this booklet.

If you consider that the decision of the Panel was legally flawed, you may seek to apply for a judicial review. This means making an application to the High Court. In such circumstances, you will need to seek your own legal advice. The Council cannot help you with costs. The local authority may also seek a judicial review of the decision of an appeal panel, if it considers it is legally flawed.

CONTACTS FOR MORE INFORMATION

School admission appeal forms should be completed at:
<http://www.bracknell-forest.gov.uk/schooladmissionsappeals>

If you require any further information about the appeals process, please contact the Customer Services Team on 01344 352000 or email:
customer.services@bracknell-forest.gov.uk

ACE Education Advice CIC is an independent charity which provides advice for parents on admissions and admissions appeals:

ACE Education Advice line: (Mon-Wed 10am – 1pm)

Tel: 0300 0115 142

Website: www.ace-ed.org.uk

If you are not satisfied with how your appeal was conducted you may contact:

The Local Government Ombudsman

Tel: 020 7217 4620

Website: www.lgo.org.uk