Bracknell Forest Council

SCHOOL ADMISSION APPEALS GUIDANCE BOOKLET

Tel: 01344 352000
Email: appeals@bracknell-forest.gov.uk

March 2024

INTRODUCTION

If your child has not been offered a place at one of your preferred schools, you may wish to appeal against the local authority's decision. To do this, the local authority arranges an Independent Appeal Panel to consider the case. The Panel is not part of the local authority or any 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.

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: https://www.bracknell-forest.gov.uk/schools-and-learning/schools/school-admissions/school-admission-appeals

The Government have published a helpful guide for parents on School Appeals at the following address: https://www.gov.uk/government/publications/admission-appeals-for-school- places/advice-for-parents-and-guardians-on-school-admission-appeals

This booklet contains information on the following which is specific to Bracknell Forest:

BEFORE THE APPEAL

How do I appeal?

In order to appeal, you need to have been refused a place at one or more of your preferred schools.

Your appeal must be submitted using the online appeal form found on our website. Please contact Customer Services on 01344 352000 if you need help with the form.

The following Bracknell Forest schools have their own appeals processes and you should contact them directly to submit an appeal.

- **Binfield Church of England Primary School**
- **Brakenhale School**
- **Crown Wood Primary School**
- **St Michael's Church of England Primary School, Sandhurst**
- **Jennett's Park Church of England Primary School**
- **Ranelagh Church of England School**
- **Sandy Lane Primary School**
- **Wildmoor Heath School**

Academy schools

We also conduct school admission appeals for the following academies:

- Hatch Ride Primary School
- King's Academy Binfield – Primary & Secondary
- King's Academy Oakwood
- Nine Mile Ride Primary School
- Oaklands Junior School
- Shinfield Infant School
- St Crispin's School
- The Emmbrook
- Wescott Infant School
- Westende Junior School

If you are appealing for a place at a school in another local authority, 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. You will need to complete a new appeal form for each of your appeals. Please seek advice from the Appeals team if you wish to appeal for a school that was one of your lower preferences, for example if you have been offered a place at your highest preference school and then wanted to appeal for a place at 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 can also provide any other documents and evidence to support your case.

What happens next?

You will receive an email from Customer Services to acknowledge receipt of your appeal form.

Approximately 10 days ahead of the appeal you will receive an email advising you of the date, time and venue for your appeal hearing. You will receive all the paperwork which will be used to consider your appeal in the week before the appeal

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 start secondary school in September are usually heard in the preceding May.

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

Appeals lodged for children to start or change schools during the year are heard within 30 school days of the appeal being lodged.

How much notice will I get?

You are entitled to 10 school days' notice of the date and time of the appeal hearing.

AT THE APPEAL

Where will the appeal be held?

Appeals are usually held in the Council's Time Square, Market Street offices in the town centre.

We do have the facility to enable hybrid meetings, in which the parent and/or admission authority can attend the meeting remotely using Microsoft Teams. Please contact us if you would prefer to attend virtually.

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 than this.

Do I need to attend?

We encourage parents to attend if possible as it helps Panel Members to understand the circumstances of your case. If you choose not to attend, your appeal will be decided based on the written information available to the Panel.

Whether you are present or not, the Panel will carefully consider all the written information which had been 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 appeals@bracknell-forest.gov.uk so that these can be arranged in good time.

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 a retired teacher, and at least one member must be a lay member with no connection to schools. One of the Panel members will act as Chairman and will explain the proceedings to you.

The Presenting Officer for the Admissions Authority will also be present to explain the authority's case for refusal. The Presenting Officer may also be accompanied by a representative from the school in question.

The Clerk to the Appeal Panel will be present to administer the appeal and advise the Panel on points of law, but they are independent of the Panel and do not take part in decision making. The Clerk will be the person who sends you all the documentation before and after the appeal, including your decision letter.

On occasion, there may also be an observer present for training purposes. If so, you will be asked to confirm that you are happy for an observer to be present.

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. School's case is put by the Admission Authority Presenting Officer
3. Questions for the Admission Authority
4. Parents' case
5. Questions for the parents
6. Sum up
7. Parents and Presenting Officer leave the meeting
8. 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. Submit any additional information at least three working days before the appeal hearing. It is useful for the panel to have all the key information on your case in advance of the appeal, in case you are unable to attend.
2. Make a note of any questions you have for the Admission Authority
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 ordinary appeals (not infant class size), the panel will consider appeals under a two-stage process.

At stage 1, the panel will consider whether the admission arrangements were legal and correct, whether the admission arrangements were applied impartially, and whether the admission of an additional child would prejudice the provision of efficient education or use of resources at the school. If it is found that the admission arrangements were not legal or correctly applied, or

that there would be no prejudice if additional children were admitted to the year group, your appeal will be allowed at stage 1. If not, the panel will move on to stage 2.

At stage 2, the panel will weigh the school's case and your case, and if the prejudice to your child is greater than that to the school, your appeal will be allowed.

What does 'infant class size' mean?

The term 'infant class size' refers to classes in Reception, Year 1 and Year 2**.** Local Authorities must comply with the legal requirement that 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 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 one of the following points apply:

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.

For an appeal to be allowed under c) above, the panel must decide whether the decision was so perverse or outrageous that no reasonable Admission Authority could have make that decision to refuse admission.

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

For more details around Infant Class Size appeals, please see the GOV.UK website.

What is a 'grouped stage' appeal?

Where there are multiple appeals for the same school, you may be invited to a 'grouped stage' in addition to your individual appeal. This means that all parents appealing for the school are invited to hear Stage One (described above) at the same time. This means that all parents hear the same information from the Admission Authority and are able to hear the Authority's answers to other parents' questions. You are able to ask questions of the Admission Authority in person, or to submit written questions in advance which will be read out by the clerk.

It is important to note that no individual cases or situations will be considered at a grouped stage appeal, which will only consider the case of the Admission Authority.

You will also be invited to a Stage Two appeal where your case will be considered individually by the Panel.

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, usually within five working days of the appeal hearing.

What happens if my appeal is unsuccessful?

The appeal panel's decision is legally binding on all parties. There is no further right of appeal against the Panel's decision.

Where there is a material change of your circumstances since your original appeal, you may be 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?

If the school is a Local Authority maintained school, you can submit a complaint to the Local Government Ombudsman.

If the school is an academy, you will need to submit your complaint to the Department for Education.

Complaints can only be made if you consider that the procedures were not properly followed, you cannot complain about the decision itself.

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.

CONTACTS FOR MORE INFORMATION

School admission appeal forms should be completed at:
https://www.bracknell-forest.gov.uk/school-admission-appeals/about-school- admission-appeals

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

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

For Local Authority Maintained Schools, contact the Local Government Ombudsman:
Tel: 0300 061 0614
Website: www.lgo.org.uk

For academies, contact the Department for Education
Website: www.gov.uk/schools-admissions/complain-about-the-appeals-process