

Frequently Asked Questions Relating to School Admission Appeals

I expected to be given my catchment area school if my preferred school(s) was full?

There is no guarantee of being given your catchment area school, even if you did put it as a preference. If you didn't list the catchment school 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 legally have a right of appeal – so that if an error had been made in the allocation (for example the school did not measure the home to school distance accurately or made an error in which category your application was considered under), the Panel can put that error right by offering you a place. However, their remit is very limited by law 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.

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 above.

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 by law. They only look at whether the school which refused you a place allocated their policy correctly and if not if you would have gained a place. Having two children in two different schools does not come under the legal definition of the school being "unreasonable", as in perverse/outrageous with refusing you a place, as long as the school has allocated their places in accordance with the oversubscription criteria in their admissions policy. We suggest you look at places available at other schools, putting your child(ren) on waiting lists or utilising the breakfast and after school clubs that most schools offer.

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

No. Just because some people who have been refused a place lodge an appeal does not alter the order of the waiting list. The waiting list is ordered, as required by law, in the same order as the admission criteria. Any late applicants are slotted into their correct position, so you can go down the waiting list as well as up (if for example someone moved into the area closer to the school than you).

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 this one school and that any offer of a place at an alternative school will only be considered once all the other preferences by parents had been considered. This is why it was strongly suggested that you use all three preferences when applying.

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 in the admissions policy. Legally, schools are not able to keep any places back for appeal, or indeed any other reason. If your appeal were to be successful your child would go into the school in addition to those already allocated a place – i.e. over the Published Admission Number.

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. Any appeal is considered on the grounds that it is an appeal against a refusal of a place by a particular school, in accordance with the law. CLP is its own admissions authority. The appeal is against CLP's refusal of a place to you. The Panel hear the appeal as to why the school you are appealing to refused you a place and was that correct or not – the school you've been offered a place at is not considered in the Panel's decision making for this type of appeal.

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

You are within your rights to introduce this (as long as it complies with the deadline for submission set by the Clerk on the Panel's behalf – usually five working days before the hearing). However, please bear in mind that this type of appeal is more of a review of the decision of the admitting authority (the school concerned). It considers whether their decision was "reasonable" to refuse you a place at the time they did with what they knew about your application/could reasonably have been expected to know. If subsequent events have occurred – e.g. medical appointments or diagnosis' – the school can't have been expected to know this and therefore the Panel will not be able to consider this information when making their decision – they have no discretion about this.

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

No. If a school is changing its admissions policy, it must consult with other schools, parents and other interested parties in the area in accordance with the law set out in the Admissions Code. They do this 18 months in advance of the year group this will apply to starting. This consultation was when you had chance to comment on any changes/the priority order. If a school does not make any changes, they must still consult once every seven years, even if no changes have been made during that period. The Appeals Process is not a forum to raise issue with a valid legal admission policy, so the Panel is unlikely to take any action, unless it feels the policy itself is unlawful and that you would have got a place if it wasn't unlawful.

For infant Class Size Appeals, the law only allows the Panel to review the application you submitted for a place to see:

- Would the admission of an additional child breach the Infant Class Size limit?; or
- Did the admission arrangements comply with admissions law?
- Were the arrangements correctly and impartially applied?
- Would the child(ren) have been offered a place if the arrangements had been correctly and impartially applied? Or
- Was the decision to refuse admission one which a reasonable admission authority would have made in the circumstances of the case (i.e. it was not perverse, outrageous, or defied all logic)?

If the limit would be breached, no error made in either the policy or the allocation and the decision was legally deemed as reasonable, then the Panel MUST refuse the appeal by law.

The Panel Members will of course read all information you send in/listen to everything you say at the hearing; however, you must bear in mind that they can only make decisions based within their legal remit.

The Panel cannot use compassion or allow an appeal on extenuating circumstances that fall outside the above reasons.