

Admission Appeals – Guidance Notes for Parents (Infant Class Size Appeals)

Please read these notes before completing the Notice of Appeal Form

Some Background

In a Voluntary Aided school, the governing body is its own admission authority. This means that the governing body of the school, not the Local Authority or the Church of England Diocese, makes decisions about the admission of pupils. Parents and legal guardians have the right to appeal against the decision of a governing body not to award a place at the school for their child. The Diocesan Board of Education sets up an Independent Appeal Panel to hear your appeal.

School admission appeals are governed by the School Standards and Framework Act (SSFA) 1998, as amended by the Education Act 2003, and the Codes on School Admissions and School Admission Appeals, produced by the Department for Children, Schools and Families.

Parental Preference

The SSFA 1998 allows a parent/legal guardian to express a preference regarding the school they would like their child to attend. However, where a school receives more applications than there are places available (known as the school's Admission Number), the governing body will apply their "oversubscription criteria" to work out which children places can be allocated to. Similarly, if you are seeking to change your child's school (perhaps due to a house move), if the school has already allocated places up to its Published Admission Number, then the governing body will usually refuse to admit further children because this would 'prejudice the provision of efficient education or the efficient use of resources.'

Your Right to Appeal

As stated above, if your child has not been allocated the school of your preference, you have the right to appeal. The law gives parents/legal guardians the opportunity to put their case to an Independent Appeal Panel. The appeal panel consists of members appointed by the Diocesan Board of Education and is completely independent of the school. There are three members on each panel, one must be a *lay member*, that is someone without personal experience in the management or provision of education and one must be an *non-lay member*, that is, someone with experience in education.

The panel is able to decide that a place should be allocated, even though this would mean that the Admission Number would be exceeded. The decision that the panel makes is binding on the school and the parents/legal guardians and is the final action available for the parents/legal guardians.

Infant Class Size Appeals

The School Standards and Framework Act 1998 limits the size of an infant class to 30 pupils. An infant class is one in which the majority of children will reach the age of 5, 6 or 7 during the school year (Reception, Year 1 and Year 2).

In Infant Class Size Appeals, an appeal panel can only uphold an appeal in limited circumstances. This is explained in the additional paper – *Infant Class Size Appeals*. You are advised to read this very carefully before completing your Notice of Appeal Form.

Notice of Appeal Form

If you would like to appeal for a place at a preferred school, you will need to complete a Notice of Appeal Form. On the form, you should explain why you believe your child should be allocated a place at the school. Please give your reasons in as much detail as you are able. You may also wish to include supporting evidence, where this is directly relevant to the points you are making. This may include:

- If your case is based on medical or social grounds of either your child or anyone else in the family, you should, wherever possible, provide written evidence from a doctor or other professional, such as a social worker, to support this.
- If your case is based on a house move you should provide evidence of confirmation of the completion of your house purchase, or a tenancy agreement, or any other relevant documentation.
- Any other letters, reports or documents which may help support your case.

However, it is important to remember the limited circumstances in which appeal panels can uphold an Infant Class Size Appeal. Panels can not take your child's academic achievements, attendance record or participation in school events into account when allocating a place.

Please return your Notice of Appeal Form to the **Clerk to the Appeals Panel, Diocesan Education Office, Bouverie Court, 6 The Lakes, Bedford Road, Northampton NN4 7YD.**

NB If you do not attend the appeal hearing in person, it will be heard in your absence. In these circumstances it is extremely important to write down as much as possible regarding your case, as the panel will make a decision based on the written evidence you supply.

The Appeal Hearing

On receipt of your Notice of Appeal Form, you will be contacted again, with details of the date and venue of the appeal hearing. At this point we will also send you a copy of the governors' "Statement of Case" and details of the procedure that will be followed at the appeal hearing. However, it may be helpful for you to know, in outline, what will happen on the day of the appeal.

The Clerk to the Appeals Panel will have ensured that the members of the panel have received all of the papers and evidence submitted by parents at least seven working days before the date of the hearing.

The appeal process begins with someone from the school (known as the "Presenting Officer") addressing the panel as to how the places were allocated for the following September or (if you are seeking for your child to move into an Infant Class) the numbers already in the classes at the school. They will say why your application was refused. They will explain that, in their view, the Infant Class Size rules apply and that no further pupils can be admitted to the school without taking 'qualifying measures.' (These terms are explained on the additional paper).

The Presenting Officer may be a governor, the headteacher or a senior teacher. After the presenting officer has presented the school case, parents/legal guardians will be invited to ask any questions and the Panel will also have the opportunity to ask questions.

Other parents, who are appealing for a place at the school, may be present during this part of the appeal. This is because the school case is about establishing that the Infant Class Size rules apply and it ensures that all parents have the opportunity to hear the school case. In the first part of the hearing, there is no discussion about the individual circumstances of any of the appellants.

If the Panel accept that the Infant Class Size rules apply, an individual meeting relating to each pupil will follow. This will be done in the presence of the panel and the school, without any other parents in the room. Your hearing will be totally confidential. You will be able to explain why you believe one of the three factors by which Infant Class Size Appeals can be allowed applies in your case.

Should parents attend the hearing?

Yes if at all possible!

The child's parent/legal guardian or carer is likely to be the best person to tell the appeal panel why it is so important for your child to attend the school of your preference and to provide the panel with information to help them to make an informed decision.

You are entitled to bring your partner, a member of your family, a friend or adviser along to the appeal with you and if you want to, they may help you present your case. It should not normally be necessary for you to bring a solicitor or lawyer as this is not a court of law and we aim to keep the hearing as informal as possible.

The Admissions Code states that it is for parents/legal guardians to decide whether their child should attend the hearing.

Help Preparing your Appeal

These guidance notes should provide some useful information when preparing your appeal. The Clerk to the appeals should be able to answer your questions; he/she can be contacted on 01604 887006.

If you would like further advice or information, the Advisory Centre for Education (ACE) is an independent national education advice centre.

- ACE operates a free telephone advice line Monday to Friday 2pm – 5pm – 0808 800 5793
- ACE provides a helpful booklet "Appealing for a school".
- ACE have a website : www.ace-ed.org.uk

After the Appeal

After the appeal, the clerk will write to you to inform you of the panel's decision. This will normally be within 5 working days of the appeal.

