

Information for Parents on Infant Class Size Admission Appeals

This information relates to all Cambridgeshire Schools and Academies using the Council School Appeal Service

Completed electronic appeal forms should be sent to admissionappeals@cambridgeshire.gov.uk

If you have received a paper form please return it to: Admissions Team, Box Number CC1221, Second Floor Octagon, Shire Hall, Cambridge, CB3 0AP.

Why preferences are not met

If there are more applications received than places available at a school each Admission Authority must:

- rank all applications according to the school's published over-subscription criteria
- allocate places until the published admission number (PAN) has been reached (which is not normally exceeded) and
- place all unsuccessful applicants on to a reserve list in accordance with the published over-subscription criteria

Your right to appeal

You are legally entitled to appeal against the Admission Authority's decision to refuse to comply with your preference. You are entitled to submit one appeal per academic year. This appeal can be lodged at any time during the year. The information from the Admission Authority following receipt of a request from you for an appeal will clearly indicate whether you are entitled to either;

- an appeal
- an infant class size appeal N.B. This applies only in circumstances where the Key Stage 1 class in question is already at the legal maximum of 30 pupils to one teacher

Parents cannot choose which appeal they are entitled to; it is dictated by the circumstances of the year group being appealed for. **This leaflet refers to infant class size appeals only.**

Do I have to pay a fee to submit an appeal?

There is no charge to parents for appeals.

Should I appeal?

Only you can decide if you wish to appeal against the decision not to allocate your child a place at your preferred school.

Can I appeal for more than one school?

Yes – you can appeal for places at all schools for which you have applied and been refused a place.

How do I appeal?

The process is quite simple. You need to tell the independent appeal panel why you wish to appeal by completing an appeal form which is available from the Admissions Authority.

When you complete the appeal form, give as much information as you can. You will also have the opportunity to submit further information before your appeal. It will help if you are able to provide any documents to support your case and you are greatly encouraged to do so. For example, if you wish to appeal on medical grounds, a letter from your doctor would be helpful.

How long will I have to wait before my appeal is heard?

If your appeal relates to a **transfer round** (i.e. Reception starting next September) you will need to return your request for an appeal by the date advised in your offer letter for the appeal to be heard within the statutory deadlines. Appeals for on-time, Reception transfer round applications will be heard by 23 July 2019.

You are still able to submit an appeal, after the deadline has past. Your appeal will then be heard within 30 teaching days of receipt of the form requesting the appeal.

What happens next?

You will receive a letter inviting you to attend the appeal hearing. You will receive at least two weeks' notice of the appeal date. If you are unable to attend on the date offered, the appeal can be heard in your absence.

If you request an appeal and do not tell us you are unable to attend in advance of the day your appeal will be considered by the independent appeal panel in your absence. **It is important therefore that you let us know if you wish to attend.** You will also receive the following information;

- a copy of the Admission Authority's statement to the appeal panel and any supporting documentation;
- the reasons for not allocating your child a place at your preferred school;
- copies of all the documents you sent in support of your case; and
- copies of all letters sent between you and the authority regarding the application.

You can bring a friend or representative to help you present your case or simply sit with you to provide support. Arrangements can be made for an interpreter to be present if this would be helpful to you.

The Appeal Hearing

Every effort is made to keep the appeal informal. At the start of the hearing the Chair of the independent appeal panel will introduce the panel members and explain the panel's role and how the appeal will be conducted.

The Independent Appeal Panel

There are three people on the panel who are either:

- lay persons not connected to the Admission Authority who have no personal experience in the management of a school; or,
- persons who are 'experienced in education' (e.g. retired head teachers) who are not connected to the admissions authority or elected members of the County Council.

Clerk to the Panel

A legal officer who is experienced in education law will be present to act as clerk and to advise the panel and ensure the correct legal procedures are followed. If you have questions on these matters you may also ask them at the hearing.

Admission Authority Representative

A representative of the Admission Authority will be present to explain why your child was not offered a place at the school, that the admission arrangements were properly implemented in accordance with

the School Admissions Code and School Standards Framework Act 1998 and how further admission to the school would be prejudicial to the provision of efficient education.

What happens at an Infant Class Size Appeal?

The law requires an independent appeal panel to review the Admission Authority's decision that admission would cause 'class size prejudice' i.e. would put the school in the position of having to take steps to comply with the duty to limit the size of infant classes to 30 pupils to one teacher. These steps could be to provide additional accommodation and/or teachers.

In an infant class size appeal a panel may only uphold the appeal where:

- a) it finds that the admission of additional children would not breach the infant class size limit;
- b) it finds that 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
- c) it decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case

Block Appeals

If more than one appeal request is received for the same year group at the same school these will be heard together, where possible, as a block appeal. This will involve the appeal being heard in two stages.

Stage 1 All appellants are present together for this part of the hearing where the Admissions Authority's representative presents their case. This will explain why the children were not offered places at the school. The appeal panel and parents will then be able to ask the Admission Authority's representative questions.

Stage 2 This is the individual part of the hearing where you are invited to present your individual case. The Admission Authority's representative and the members of the appeal panel may then ask you some questions about your case.

You will be told whether your appeal will be part of a block appeal when you are invited to attend the appeal.

Decision-making

The panel has the task of reviewing the decision made by the Admission Authority in the light of the material available at the time when it made its decision.

However, the panel should also consider new evidence submitted by appellants to establish either:

- the factual basis for their claim that the admission arrangements had not been properly implemented; or,
- to show what their circumstances were at the time of the decision in order to support their claim that no reasonable Admission Authority would have made that decision.

In reaching a decision the panel will consider the following evidence:

- the published admission arrangements
- parental preference
- the circumstances of the particular child and family, and
- the practical consequences for the school and the children in the relevant infant classes if any or all of the appeals being heard were successful.

What does ‘unreasonable’ mean?

The panel is bound by a strict legal definition of this word. In order for a panel to determine that an Admission Authority’s decision to refuse admission was unreasonable it will need to be satisfied that the decision to refuse a particular child was;

- perverse in the light of the admission arrangements
- beyond the range of responses open to a reasonable decision maker
- a decision so outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it.

Appeals heard in absence

If you are unable to attend for whatever reason and your appeal is heard in your absence the panel will come to a decision using only your written statement and the documents you and the authority have supplied. Therefore you will need to consider very carefully if it would be in your interest to attend or not.

What if my appeal is unsuccessful?

A parent may only have one appeal per school, per academic year. The decision of the panel is legally binding on both the parent and the Admission Authority. However, if you feel that since your appeal your circumstances have changed significantly then please contact the admissions team to discuss your case. We will advise you what documentation is required and decide whether the changes are significant enough to justify another appeal. The Admission Authority’s decision on this is final.

If you do not wish your child to take up the school place that has been offered, you can make enquiries to see if there are any other schools that have places.

If you feel that the appeal or admission procedures have not been correctly followed you can complain to the Local Government Ombudsman. If the school you have appealed for is an Academy then your complaint would be directed to the Education Funding Agency. If you consider that the law was not applied appropriately, you may decide to go to court and ask for a judicial review. Neither of these processes are further appeal procedures but they may lead to your case being re-heard by another appeals panel.

Further Advice

Admissions officers are not able to offer further advice about your specific appeal as to do so would lead to a conflict of interests.

The Advisory Centre for Education (ACE) provides further information, and two booklets for parents on choosing a school and appealing for a school at www.ace-ed.org.uk.

Coram Children’s Legal Centre run a telephone helpline offering free independent Family, Child and Education legal advice on 08088 020 088. They also have information and a free downloadable booklet listed on their website at www.childrenslegalcentre.com

Advice and information from the Local Authority can be obtained from the Parents’ School Preference Adviser on 01223 699194 or email choosingaschool@cambridgeshire.gov.uk

If you would like a copy of this leaflet on audiocassette or in Braille, large print or other languages, please contact: Admissions Team – 0345 045 1370 or email admissions@cambridgeshire.gov.uk.