

DERBYSHIRE PRIMARY SCHOOL ADMISSION APPEALS GUIDANCE NOTES FOR PARENTS

1. Introduction.

The school you wish your child to attend has been unable to offer your child a place. Before deciding whether or not to appeal against this decision, you are advised to think about:

- The school's policy for admitting students (published in the How to apply for a place at Primary School – a guide for parents).
- Your reasons for wanting your child to attend the school and the strength of your case.

2. Making an Appeal.

If you decide to appeal against the decision, you should either complete the attached form and send it to the place given on page 4 of this guidance or, alternatively, complete the form online at www.derbyshire.gov.uk/admissions. Whichever method you choose, forms for decisions notified on 16 April 2019 must be returned by 3 June 2019 and forms for decisions notified after that date within 20 school days of receiving notification that the application was unsuccessful. If your form is not returned in time, it might not be possible for your appeal to be heard at the same time as the appeals of parents whose forms were returned by the deadline.

The following notes may help you in completing the enclosed appeal form.

- “The name of your preferred school” is the school of your choice to which admission has been refused.
- In completing “Reasons for your choice of school” you should set out **all** the reasons for your appeal. You should think carefully about the original reasons you gave for wanting your child to attend the school and you can add more information if you want. It is important to reflect the views of your child in your submission.
- You should include with the appeal form copies of any documents, information and evidence you wish the Panel to consider in support of your case. For appeals for community and controlled schools any further evidence should be sent to the Clerk to the Panel no later than 6 days before the hearing. For appeals for voluntary aided, academy and foundation schools you should check with the Clerk to the Panel on their deadline for the submission of further evidence. Information or evidence not submitted by the deadline might not be considered at the appeal. Written material and evidence must have been seen by all parties, so if it hasn't been sent to the Clerk in time to be included with the hearing papers the Panel must decide whether to consider it, taking into account its significance and the effect of a possible need to adjourn the hearing.

3. Before the Appeal Hearing.

Appeal hearings for decisions notified on 16 April 2019 should be held within 40 school days of the deadline for lodging appeals and for in-year admissions within 30 school days of lodging the appeal.

You will receive written notification of the date and arrangements for the hearing from the Clerk to the Appeal Panel, at least 10 school days before the hearing, unless you have agreed to a shorter notice period.

Some appeals may be heard during the Summer school holidays in which case you may be asked if you wish for your appeal to take place during this period. You do however have the right to insist on the 10 school days notice as laid down in the School Admission Appeals Code.

Before the hearing the Clerk will send you, the admission authority and the Panel members copies of all the papers required for the hearing, including a written statement of how the school's admission policy has been applied in your child's case, the reasons for the admission authority's decision to refuse your child a place at the preferred school, a copy of your appeal form and any additional information or evidence you have sent.

4. The Appeal Panel.

The Panel which hears parents' appeals comprises of a chair and at least two other members, and must include at least one lay member and one person who has experience in education. The Panel is independent of the school and the admission authority (which, in the case of community and voluntary controlled schools is the local authority, in the case of voluntary aided and foundation schools is the school's governing body and in the case of academies is the academy trust) and has the power to overturn the decision to refuse a place for your child at the preferred school.

5. The Appeal Hearing.

You are encouraged to attend the appeal hearing in order to hear and question the admission authority's case, make your own case and clarify your written statement. You may, if you wish, be represented at the meeting by someone else, or accompanied by a friend. If you don't attend, the hearing may go ahead in your absence, and be decided on the written information submitted

6. How the Panel Reaches its Decision.

(a) Appeal relating to entry into Year Groups other than the Reception, Year 1 and Year 2.

The Panel must follow a two stage process:

First, the Panel must consider whether the school's published admission arrangements and the co-ordinated admission arrangements comply with the mandatory requirements set out in statute and in the School Admissions Code, and whether these arrangements have been correctly and impartially applied to your child. The Panel must also consider whether the admission of additional children at your preferred school would prejudice the provision of efficient education or the efficient use of resources. At this stage the characteristics and circumstances of the particular child are not usually relevant. The onus is on the admission authority to prove its case. The Panel must consider a number of factors which may include: what effect an additional admission would have on the school in the current and following academic years; whether any changes have been made to the school's physical accommodation or organisation since an admission number was set; the impact of the locally agreed Fair Access Protocol (for unplaced and vulnerable children); and the impact on the organisation and size of classes, the availability of teaching staff, and the effect on children already at the school. If yours is the only appeal being heard for the school in question, and the Panel is not satisfied that there would be such prejudice, or finds that the admission arrangements were not correctly applied, the Panel must allow your appeal. Where the Panel decides that the admission of an additional child would cause prejudice, it must go on to the second stage.

At the second stage, the Panel must balance the prejudice to the school against your individual case. It must take into account your reasons for expressing a preference for the school, including what the school can offer your child that other schools cannot.

When there are a number of appeals relating to one school, the Panel must not compare individual cases unless it finds that there are more cases which outweigh the prejudice than the school can admit, in which case the Panel must compare all the cases and uphold the strongest.

(b) Appeal involving Children entering Infant Classes (Reception, Year 1 and Year 2).

Legislation limiting infant class sizes to a maximum of 30 came into effect in September 2001. Only in very limited circumstances can admission over the limit be permitted.

Admission authorities may therefore refuse to admit a child to a school where admission would breach the infant class size limit and there are no measures the authority could take to avoid this without prejudicing the provision of efficient education or the efficient use of resources. For example, such prejudice might be caused if the school had to take measures such as employing an extra teacher or building an extra classroom.

In Infant Class Size Appeals, the Panel must follow a two stage decision making process. At the first stage, it considers the following questions:

- i) would the admission of additional children breach the infant class size limit?
- ii) do the school's published admission arrangements and the co-ordinated admission arrangements comply with the mandatory requirements set out in statute and in the School Admissions Code?
- iii) were these correctly and impartially applied?
- iv) was the decision to refuse admission one which a reasonable admission authority would have made in the circumstances of the case (which the Admission Appeals Code clarifies as meaning that the admission authority's decision was not "perverse", or an "outrageous...defiance of logic")? If the Panel finds that the answer to all these questions is "yes", it must dismiss the appeal.

In multiple appeals, if the answer to any of these questions is "no", but there a number of children where this applies, the Panel must move to a Second Stage where it compares each case and decides which, if any, to uphold; and where the school could admit a certain number of children without breaching the infant class size limit (or without needing to take measures to avoid breaching it that would prejudice the provision of efficient education or efficient use of resources) the Panel must uphold the appeals of at least that number of children.

7. Further Information.

The Clerk to the Appeal Panel will send you full details about the appeals procedure when writing to give you a date for the hearing.

If you have any questions about school admission appeals or about completing the appeals form, please contact the Admissions & Transport Team on 01629 537479 or email admissions.transport@derbyshire.gov.uk.

If you wish to access independent advice or information on school admissions or appeals you can contact the Children's Legal Centre at www.childrenslegalcentre.com or ring the advice line on 0300 330 5485.

Please note: your completed appeal form will be acknowledged upon receipt. If you do not receive an acknowledgement within 7 working days, please contact the place you returned the form to (see information on page 4 of this guidance).

WHERE TO RETURN YOUR APPEAL FORM

If you are appealing for a place at a Derbyshire community or controlled School

Return the form to: Derbyshire County Council
Admissions & Transport Team
School Road
Chesterfield
Derbyshire
S41 8LJ
Telephone 01629 537479

If you are appealing for a place at a Derbyshire voluntary aided, academy or foundation school

Return the form to the Clerk to the Appeal Panel via the school. The addresses and contact details of all Derbyshire schools are available at www.derbyshire.gov.uk or by emailing admissions.transport@derbyshire.gov.uk or call 01629 537479.

If you are unsure of the type of school you are appealing for

Email admissions.transport@derbyshire.gov.uk or call 01629 537479.

If you are appealing for a place at a school outside of Derbyshire (this includes schools in Derby City)

Do not complete the Derbyshire appeal form but contact the local authority that maintains the school. The addresses and telephone numbers of neighbouring local authorities are given in How to apply for a place at Primary School – a guide for parents available at www.derbyshire.gov.uk/admissions or email admissions.transport@derbyshire.gov.uk or call 01629 537479.