

PRIMARY SCHOOL ADMISSION APPEAL – IN YEAR

Advice and guidance for Parents/Carers

Contact: Admissions Team – Email: admissions@redbridge.gov.uk

Introduction

If you were not offered a place at your preferred school, you will want to think about what to do next.

In Redbridge most parents and carers get a place for their child at one of the schools they have applied for.

Redbridge has many good schools and the offer you have received may also be a suitable choice for your child.

You should definitely visit the school that you have been offered to see if it feels right for your child. Do not reject a school based on other people's opinions – what one person likes about a school someone else may not. It is best to make up your own mind.

Schools are usually happy to show parents around, but you should always telephone them first to make an appointment.

If you believe that there are **exceptional reasons** why you should be offered a place at your preferred school then you can appeal. Everyone has the right of appeal, but it is only in **exceptional circumstances** that an appeal will be successful.

You cannot appeal for a place in a nursery class.

Some schools are responsible for their own admissions (as 'Admission Authorities') and deal with their own appeals. You should contact these schools directly for information about their appeal process.

The Primary schools in Redbridge that you must contact directly are:

Al-Noor Primary School
Atam Academy
Aldborough Primary School
Avanti Court Primary School
Clore Tikva Primary School
Wohl Ilford Jewish Primary School
Our Lady of Lourdes Catholic Primary School
St Aidan's Catholic Primary School
St Antony's Catholic Primary School

St Augustine's Catholic Primary School
St Bede's Catholic Primary School
SS Peter and Paul's Catholic Primary School
Wanstead Church School
Isaac Newton Academy

How places are offered

Applying for an In Year school place:

The law does not give you a *choice* of a particular school, but it does allow you to "express a preference" for up to six schools.

By telling the admission authority that you want a place for your child in a school you have named, you have expressed your preference. They will always try to meet your request, but they may have to tell you that the school, or schools, that you have applied for are full and there are no places available.

If you do not receive a place at the school you wanted for your child, you will receive an email notification giving you information about why your child was not offered a place at the school. This will include information about appealing against that decision.

Why would my child not get a place?

All schools can admit children in each year group up to a certain number. This is the "Published Admissions Number" or PAN. This number is agreed as part of the school's admissions arrangements. It is set using a calculation which all Education Authorities must use.

The most common reason for not being offered a place is because the school is already full and has no vacancies. Because of this the school will not wish to admit more pupils, as this would adversely affect resources and the education of other children at the school. The cost of every appeal must be paid for by the school, which puts further pressure on their available resources

For Infant Classes, see below, the admission limit is set by law, so that each class will have no more than 30 pupils. The grounds for allowing an Infant Class Size appeal are **extremely limited** and the success rate is **very low**.

Infant Class Size Regulations

The Government has imposed a legal obligation on schools and local authorities to ensure that there is a maximum of 30 pupils in an Infant Class. Infant classes are Reception, Year 1 and Year 2.

In the case of Infant Classes, an application will usually be refused when the class has reached 30 pupils. This is because including another child in the class would result in "class size prejudice", which means that the school would be required to open another class and employ another teacher, so that class numbers would remain at a maximum of 30. Schools do not have the money required to do this.

What can I do if my request for a school is turned down?

If we cannot give your child a place at your preferred schools, we will offer you an alternative place at the nearest Redbridge school to your home that has a vacancy, if your child is out of school or their current school is not within a reasonable travelling distance.

Taking up an alternative school place will not remove your child's name from the waiting lists for any of your preferred schools, and will ensure that their education needs are met. You should definitely visit the school that you have been offered to see if it feels right for your child.

Your child will remain on the waiting lists for all your preferred schools, as long as you submit a new online In Year Admissions Application form each August.

Waiting lists can change at any time, as children are either added or removed in accordance with the school's admission arrangements. This means that children can move down as well as up the lists. The length of time a child's name has been on a waiting list has no influence on their position.

Thinking about appealing?

If you have been refused a place at a school you have named in your application, you have the legal right to appeal against that decision (unless your child has been permanently excluded from two schools).

When deciding if you should appeal, you must think carefully about the school's published policy for admitting pupils, your reasons for wanting your child to attend the school and how strong a case you have.

If you believe that there are **exceptional reasons** why you should be offered a place at your preferred school then you can appeal. Everyone has the right of appeal, but it is only in **exceptional circumstances** that an appeal will be successful.

Before submitting an appeal form and going through the appeals process, it is important to be aware of how the Appeal Panel reaches its decision on primary school appeals.

The grounds for allowing an Infant Class Size appeal are **extremely limited** and the success rate is **very low**.

By law, when considering an Infant Class Size appeal, the Appeal Panel can **only** consider three specific grounds if the class limit had already been met:

- Whether the admission arrangements complied with the mandatory requirements of the School Admission Code and Part 3 of the School Standards and Framework Act 1998;
- Whether the admission arrangements were correctly and impartially applied in the case(s) in question; and
- Whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.

An Appeal Panel can **only** uphold an Infant Class Size appeal where:

- It finds that the admission of additional children would **not** breach the infant class size limit; or
- it finds that the admission arrangements did **not** comply with admissions law or had not been 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
- it decides that the decision to refuse admission was **not** one which a reasonable authority would have made in the circumstances of the case.

Due to these legal limitations, an Appeal Panel cannot take into account your personal reasons for

wanting a place at the school for your child, so you will need to be sure that your reasons for appealing fits these legal grounds.

It is also likely that an Appeal Panel would consider it reasonable for a child to be refused a place at their nearest school if other children had higher priority for the places available, even if this resulted in you being offered a school place some distance from your home.

For all Key Stage 2 (Years 3,4,5 and 6) appeals, Appeal Panels must follow a two-stage decision making process.

The Appeal Panel must first consider:

- a) whether the admission arrangements complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and
- b) whether the admission arrangements were correctly and impartially applied.

The Appeal Panel must then decide whether the admission of an additional child would prejudice the provision of efficient education or the efficient use of resources.

The Appeal Panel must uphold your appeal at the first stage where:

- a) it finds that the admission arrangements did not comply with admission law or had not been correctly and impartially applied, and your child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
- b) it finds the admission of additional children would not prejudice the provision of efficient education or efficient use of resources.

The Appeal Panel must proceed to the second stage where:

- a) it finds that the admission arrangements did comply with admissions law and that they were correctly and impartially applied to your child; or
- b) it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied but that, if they had complied and had been correctly and impartially applied, your child would not have been offered a place; or
- c) it finds that the admission of additional children would prejudice the provision of efficient education or the efficient use of resources.

The Appeal Panel must balance the prejudice to the school against your case for your child to be admitted to the school. If they decide that your case does not outweigh the prejudice to the school they **must** refuse your appeal.

Arrangements for the appeal hearing

If you believe that there are **exceptional reasons** why you should be offered a place at your preferred school and have decided that you have strong enough grounds to go ahead, you can appeal online and upload your supporting documents to the online form:

- [make your school appeal online](#)

After you have submitted your appeal form you will be notified of the date of the hearing at least 10 school days before the hearing. Hearings will be held within 30 'school days' of the appeal being

submitted for In Year applications.

You will be allowed to provide additional information for your appeal up to three working days before the hearing. Information submitted later or on the day of the hearing may not be considered, as it may not be possible for the Panel to copy and read it in the time available for your hearing.

Will I be given the same information as the Appeal Panel?

Yes. You and the Panel will have a copy of your individual case history. This is made up of:

- Your appeal form;
- Any extra information you have sent us;
- Copies of earlier letters about your case;
- Our reasons for not offering your child a place at the school (our case).

We will send you a full set of the same papers at least **7 days** before the hearing.

Should I attend?

Appeal hearings are held in private and you will be invited to be there and tell the Panel your reasons for making the appeal.

They are held at Ilford Town Hall during office hours.

You do not need to bring your child with you that the appeal relates to. We understand that you may have to bring younger children to the hearing if you cannot arrange any childcare for them.

Should I come to the hearing on my own?

If you feel worried about speaking for yourself at the hearing, or if you feel at a disadvantage, you can bring someone to support you or to speak for you.

In exceptional circumstances only, if you are unable to bring an adult friend or representative with you to your appeal hearing to help you present your case in English, we will arrange an interpreter to assist you. There is a cost for interpretation services, and if an interpreter is booked and you do not attend the hearing, or it becomes evident that you did not require their assistance during the hearing, we will charge you a percentage of the cost, currently set at £10.

The hearing is informal and it will rarely be necessary to take a solicitor with you. You cannot get legal aid for these appeal hearings and legal costs could be high.

What happens if I cannot attend the hearing?

If at any time after you have been told the date and time of the appeal you find out that you cannot attend the hearing you should let us know straight away. The hearing can still go ahead without you being there, if it is not possible to reschedule it. You can arrange for somebody else to take your place at the hearing, but you should tell us in advance and let us know the name and telephone number of this person.

At the Appeal

How official is the hearing?

It will be as informal as possible. Although the decision of the Appeal Panel is a legal one and applies

both to you and the admission authority, it is not a Court of Law.

It is important to note that the Panel are totally independent of the Local Authority.

Who will be at the hearing?

In the London Borough of Redbridge, there are usually three people on an Appeal Panel:

- There must be at least one “lay member” on the Panel. This means someone without personal experience in the management of any school or the provision of education in any school (disregarding experience as a school governor or in another voluntary capacity).
- There must also be at least one Panel member who has experience in education; who is familiar with educational conditions in the Redbridge area; or who is a parent of a registered pupil at a school.

There will also be:

- A Clerk
- A representative from the Admission Authority called a Presenting Officer.

The Clerk will make sure that the correct procedures are followed and will ensure that legal advice is provided if necessary. They will not take any part in making any decision, but will record what the Panel decide. In the London Borough of Redbridge, the Clerk is from Legal and Constitutional Services.

The Admission Authority representative is an officer who will explain why your child has not been offered a place at the school.

What happens at the hearing?

The Panel deal with appeals in the following way:

- The Chair of the Appeal Panel introduces the other Panel members and explains what will happen, having advised you of the Infant class size Regulations, if relevant;
- The Admission Authority Presenting Officer puts their case;
- You and the Panel members can question the Presenting Officer;
- You put your case;
- The Presenting Officer and the Panel can ask you questions;
- The Presenting Officer sums up their case;
- You sum up your case.

At the end of the hearings, the Appeal Panel will need time to make their decision and they do this without parents or the Presenting Officer being present.

When will I know the decision?

You can telephone the Clerk in the Legal and Constitutional Team the next working day, they will give you the number at the end of the hearing.

The Appeal Panel will then send you a letter giving the reasons for the decision, ideally within five working days.

After the appeal

What happens if my case is allowed?

Your child will be given a place at this school, even though it is already full. The school will be told and arrangements will be made for your child to be admitted as soon as possible.

What happens if my case is dismissed?

Your child's name will remain on the school's waiting list. Their position will not change because of the appeal.

The decision of the Appeal Panel is binding on both the Admission Authority and the parents/carers. The Appeal Panel is completely independent of Redbridge Council.

Please note that your appeal relates to one academic year. Repeat appeals relating to the same academic year, for the same school, are not considered unless there have been significant and material changes in circumstances relevant to the application.

What if I want to complain about the appeal hearing?

If you are unhappy about the way the appeals process was carried out, please contact [The Local Government and Social Care Ombudsman](#).

Please note this is not a further appeal and the Ombudsman cannot offer you the school you want if they decide in your favour, but you could have a further appeal heard if maladministration is established.