

A brief guide to appeals for North Somerset 2020-21 intake

This guide only applies to North Somerset schools

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Your right of appeal

Under the School Standards & Framework Act 1998 (as amended by subsequent Acts) and the School Admission Appeals Code, produced by the Department for Education (DfE), you have the right to appeal (provided you have parental responsibility for the child) against any decision made by or on behalf of the Admission Authority, as to the school at which your child is to be educated. In the case of Community and Voluntary Controlled Schools the Admission Authority is the Local Authority. For Voluntary Aided, Trust and Foundation schools, Free Schools and Academies the Admission Authority is the Governing Body. This means that you can only appeal for places at your stated preferred schools for which you were refused a place(s).

You have the right of appeal if you have been refused a place at a school and:

- you have parental responsibility, whether you are the natural parent;
- you have care of the child, i.e. the child lives with you and you look after him/her.

Appealing for multiple schools

You can appeal for a place at more than one school, including places at Community, Voluntary Controlled, Voluntary Aided, Trust or Foundation Schools, Free Schools or Academies, as long as you named the school on your application and have been refused a place.

How to appeal

For details on how to respond to outcome of your application, please read the 'Statement of Options' document.

You will also need to write an appeal statement that states your reasons for the appeal.

It is recommended that for North Somerset schools, you may write your letter of appeal in one of the following ways:

- on the Appeal Statement form available at www.n-somerset.gov.uk/admissions/appeals
- by email to admissions@n-somerset.gov.uk
- by letter to North Somerset Council, School Admissions Team, People and Communities, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ.

Please note that on the online system, whilst you may give the reasons for your appeal in the 'Supporting Text' column, this is subject to a time restriction and may time out.

If the school you are appealing for is outside North Somerset, your appeal letter should be sent to the council in which the school is situated or to the school directly.

In order for your appeal to be heard before the start of the September 2020 term, we require you to notify North Somerset Council School Admissions Team of your intention to appeal by:

- **17 April 2020 for Secondary School appeals**
- **15 May 2020 for Primary, Infant or Junior School appeals**

Your reasons for appeal and supporting evidence can be supplied now or at a later date. When you receive confirmation of your appeal date, deadlines for this paperwork will be given.

If any appeals are received after this date, we will endeavour to have the appeal heard before the start of the September 2020 term but cannot guarantee this.

Appeal dates

Appeals for Reception Intake, Junior and Secondary Transfer are mainly heard between May and August. Appeals for those wishing to change their child's school during the school year are heard within 30 **school days** of being lodged.

Types of appeals

Due to Infant Class Size legislation, there are 3 types of appeals:

- Infant Class Size – this is for reception to year 2 children where the Published Admission Number is divisible by 30.
- Future Prejudice – this is for reception to year 2 children where the Published Admission Number is NOT divisible by 30 i.e. when a school mixes its year groups.
- Ordinary Prejudice – this is for all appeals lodged for pupils in years 3 to 11.

Below are more details on these types of appeals.

Infant Class Size (Reception to Year 2)

Parents often find it frustrating when they realise how very limited the powers of the appeal panel are for Infant Class Size appeals. This is being drawn to your attention now so you can make an informed decision on whether to appeal or not.

It is a legal requirement that infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) must not exceed 30 children to one teacher. This is known as "infant class size".

The panel may only uphold the appeal where:

- a) it finds that the admission of additional children would not breach the infant class size limit; or
- 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; or
- 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.

The threshold for finding that an admission authority's decision to refuse admission was not one that a reasonable authority would have made is high. The panel will need to be satisfied that the decision to refuse to admit the child was 'perverse in the light of the admission arrangements i.e. it was 'beyond the range of responses open to a reasonable decision maker' or 'a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied their mind to the question could have arrived at it.

The Allocation Sheet, which will be available online at www.n-somerset.gov.uk/admissions/allocated-school-places or by request, will indicate if appeals for the school are Infant Class Size Appeals by stating "Any appeals for places at the school are therefore 'Infant Class Size prejudice cases'."

Future Prejudice (Reception to Year 2)

Whilst the majority of appeals are 'Infant Class Size' hearings, not all appeals are of this type. Where schools have less than 30 pupils in a class (in Reception and future infant year groups) the appeal hearing will be different from described above.

At the first stage the panel will consider whether 'prejudice to the provision of efficient education or the efficient use of resources' would arise if the child was admitted – but it does not consider if 'Relevant Measures' would need to be taken by the school. The panel will also consider if the admission arrangements comply with the Admissions Code, whether they were correctly applied and, if not, whether this led to your child being refused admission.

In the second stage the panel will take into account the reasons you have given for your preference and will balance the case presented by the Admissions Authority against your case. If they feel that the reasons you have put forward outweigh the Admission Authority case they will offer you a place at your preferred school.

The Allocation Sheet, which will be available online at www.n-somerset.gov.uk/admissions/allocated-school-places or by request, will indicate if appeals for the school are of this type by stating "To admit another child to the school would cause prejudice to the provision efficient education or the efficient use of resources."

Ordinary Prejudice (Year 3 to Year 11)

Appeals that are not based on infant class size follow a two-stage process.

The first stage is a factual stage when the Panel first of all considers whether the school's published admission arrangements comply with the mandatory requirements of the School Admission Code and the School Standards and Framework Act 1998 and whether they were properly implemented. The Panel will then determine whether they were properly implemented and whether prejudice would arise if another child was admitted to the school.

The Appeal Panel has to decide whether to admit additional child(ren) would "prejudice efficient education or the efficient use of resources", that is have a damaging effect on the school. It is for the representative of the Admission Authority to satisfy the Appeal Panel that this is the case and that the school has reached its Published Admission Number (PAN) (i.e. is full in the age group) and that prejudice would arise.

If it is clear that your child would have been offered a place at the school if the admission arrangements had been lawfully or correctly implemented AND/OR that no prejudice would be caused if another child was admitted, the panel will uphold your appeal at this stage.

Otherwise, the appeal moves on the second stage, known as the balancing stage. You will be asked to present your case for wanting your child to be admitted to the school and the Panel will then have to balance your reasons against the prejudice that would be caused to the school if your child were to be admitted.

The Allocation Sheet, which will be available online at www.n-somerset.gov.uk/admissions/allocated-school-places or by request, will indicate if appeals for the school are of this type by stating "To admit another child to the school would cause prejudice to the provision of efficient education or the efficient use of resources."

Attending the appeal

You are strongly encouraged to attend the hearing to present your case. It gives you the chance to explain why you want a place at the school and to ask questions. The appeal panel can talk to you and get a clear understanding of your case. You are welcome to bring a friend or relative to support you or speak on your behalf. If you are unable to attend in person, someone else may present the case for you. If you decide not to attend the hearing a decision will be reached based on your written statement.

Places held in reserve for those appealing

If a school is oversubscribed then the Admissions Authority must allocate all of its places up to its Published Admissions Number. No places are allowed to be held in reserve for those appealing. In the event an appeal is upheld the school must admit those children above the PAN.

Appeal panel members

The panel is independent of the school and the Local Authority. In North Somerset panels usually have three members. The panel must include at least one lay member i.e. someone without personal experience in the management of a school or the provision of education in a school (disregarding experience as a school governor or in another voluntary capacity). The panel must also include at least one person who has experience in education or is a parent of registered pupils at a school.

Although panel members may be school governors or teachers, they will not be a governor or teacher at the school in question. They will not represent the interests of your preferred school or the Local Authority.

Notice of the appeal hearing date

Letters/emails notifying parents of appeal dates and times are sent in the order in which appeals are heard. In line with statutory guidance, these letters/emails will be sent at least 10 school days in advance of the hearing. In certain exceptional circumstances we might ask parents to agree to a shorter notice period, but this would be discussed on an individual basis. If you lodge appeals for more than one school you may get a separate date for each appeal, which could be some weeks apart. Due to the volume of appeals these dates will often not be in the order you listed your preferences.

At the appeal hearing

The Admissions Authority/School will present their case, after which, the appellant/s (person/s who lodged the appeal) and the appeal panel can ask questions regarding the schools' case. You will then present your case, after which, the Admissions Authority/School and the appeal panel can ask you questions regarding your case.

Bulk appeal hearings

When multiple appeals are lodged for the same year group at the same school they can be heard on the same date(s), the panel will hear all appeals for that school before reaching any decision. The appeal panel will **not** deal with the appeals as individual appeals but will deal with such appeals as 'grouped multiple appeals'.

In these hearings the Admission Authority's case is heard once in the presence of all the groups of parents (and any representatives). The Admission Authority representative may be accompanied by someone from the school. Parents (and representatives) and the Panel may ask questions about the case.

If the panel concludes that 'prejudice to the provision of efficient education or the use of resources' exists, and/or the school would have to take 'Relevant Measures' (if applicable for Infant Class Size appeals), it will be necessary to move to the next stage of the hearing (although that may be on a different date). At this stage, the appeals of the individual parents will be heard without the presence of the other parents.

Appeal panel

s decision

In individual appeals the decision is typically made on the day of the hearing.

For multiple appeals, where there is more than one appeal for the same year group at the same school, the decisions will be made when the panel has heard all the appeals. This may take anything from one day to several weeks, depending on the number of appeals to be heard.

Appeal outcome

The clerk to the appeal panel will normally ask you to telephone on a certain day, so that they can tell you whether or not the appeal was successful. This will only be to inform you of the panel's decision and not the reasons why.

The clerk will also inform you of the panels decision in a letter which will set out the reasons for the decision. This will normally be sent within five school days of the appeal hearing, but if it is during the school holidays the letter will be sent usually within one working week.

The decision of the appeal panel is legally binding upon all parties. If your appeal is unsuccessful there is no further right of appeal to the Admission Authority. If your appeal is successful you will need to confirm with the relevant Admission Authority which place you wish to accept.

Appealing again

It is not normally possible to appeal again during the same academic year. This is because the Admission Authority will not usually consider repeat applications for the same school year unless you have a significant change in circumstances relevant to your application. Unless your repeat application to the Admission Authority is allowed, no fresh appeal can arise.

Responsibility for arranging appeals

North Somerset Council is responsible for arranging appeals for all Community and Voluntary Controlled Schools.

Own Admissions Authority Schools, such as Voluntary Aided, Foundation or Academies, are responsible for arranging the appeal themselves. Some schools trade with North Somerset to provide an appeals service on their behalf.

Appeals for schools that do not trade this service with North Somerset Council will not involve the North Somerset Local Authority School Admissions Team and/or Clerk/Solicitor (although your Response Form and Appeal Statement should be returned to North Somerset Council).

Appeals for schools outside of North Somerset

If you have been refused a school place at a school that is not within North Somerset Council, and you would like to appeal, please contact the Local Authority in which the school is situated for information on how to appeal.

School Admissions Team Contact Details

Phone: 01275 88 4014
01275 88 4078

Email: admissions@n-somerset.gov.uk

Web: www.n-somerset.gov.uk/admissions

Post: School Admissions Team, Town Hall, Walliscote Grove Road, Weston-super-Mare, North Somerset, BS23 1UJ.

Frequently asked questions

Why can't you guarantee my child a place at their preferred school?

There are a number of reasons why schools can't always accept all the children who would like to attend them, often because there simply aren't enough places at the school for everyone that named them as a preference. If schools were to admit over their admission number this would cause prejudice to the provision of efficient education, and the efficient use of resources. For schools that do receive more preferences than there are spaces, the published over-subscription criteria will be used to work out who can be offered a place.

For infant classes there is a legal limit of 30 children in a class.

What will happen if my child is refused a place at their preferred school?

If you are refused a school place we will explain why and give you information about how to appeal against the decision, including where to send the appeal form.

If we are unable to offer a place at any of your preferred schools, and you are a North Somerset resident, we will automatically offer you an alternative school place. This will typically be the nearest school to your home address that has places available, after all other On Time preferences have been taken into consideration.

Appeals for infant classes are sometimes more complicated because of the legal limit of 30 children in reception, year one and year two classes. We will tell you more about this if it affects the school for which you are refused a place.

What if I cannot get all my evidence by the lodging date?

North Somerset Council must receive your completed appeal form by the closing date stated in order for your appeal to be heard in the first round of appeals. You should complete the notice of appeal form, including a brief outline of your reasons for appealing. You can then send additional evidence and information at a later stage, but this should be received no later than 6 working days prior to the hearing.

Please note it is essential that you give a brief outline of your case when you submit your appeal form, to avoid any delay in hearing your appeal. If you delay in submitting evidence until after the stated deadline, it may lead to an adjournment which could last minutes, hours, days or weeks. In addition, any evidence received after the stated deadline might not be considered at your appeal hearing.

Can I ask the Appeal Panel to contact anyone, such as my Doctor or Social Worker, to confirm what I have said on my appeal form or at the appeal hearing?

No. You are responsible for making sure that the Appeal Panel has any written supporting evidence at the appeal hearing.

Is the appeal process separate to the waiting list and does the fact that I have appealed affect my position on the waiting list?

The appeal process and waiting list are two separate processes. You can appeal or go on the waiting list or go through both processes. Your position on the waiting list is not affected by whether you appeal or not.

What is meant by “prejudice”?

Prejudice, in this instance, means any action that would impact on the standard of education in the school. If the school had to build an extra classroom or employ an extra teacher in order to keep class numbers within the statutory limit of 30 children, it would obviously have a cost and mean there was less money available to enhance the learning of children already in the school.

Can I withdraw my appeal?

Yes. You can withdraw your appeal before (and during) the appeal hearing by contacting the Clerk to the Appeals Panel or the School Admissions Team.

What happens if my appeal is unsuccessful?

If your appeal has been unsuccessful and you have declined the place offered at an alternative school, you will need to contact the North Somerset School Admissions or your own Local Authority for more information on schools in your area. Please note that the appeal panels decision is legally binding on the Local Authority or Admissions Authority/School and you cannot re-appeal in the same year for the same year group at the same school, unless there is a significant change in your circumstances. You can appeal for other schools stated on your preference form at which you were not given a place.

What should I do if my appeal has been refused and I do not want to send my child to the school that has been allocated?

You can apply for another school, or several other schools, and if these cannot admit more pupils, you then have the right of appeal for a place at each of these schools.

You should contact the School Admissions Team as soon as possible as you have a legal duty to have your child educated.

What happens if I need an interpreter/signer or other help?

You may have an interpreter or signer at your appeal hearing. You may bring an interpreter/signer or if you would like one provided for you, please ask the Clerk/Solicitor well before the appeal hearing, giving at least two weeks' notice if possible. This service is free of charge.

Please let us know if you have any disabilities or special requirements and need assistance. We will try and meet these as far as the venue is concerned.