

School Admission Appeals

A Guide to Supporting Schools with Their Argument against Admission

This guide provides information on how to successfully prepare for your school admission appeals.

We hope to guide you through the process and to offer tips and guidance on how best to prepare your case and ensure you are providing your best possible argument against further admission.



Appeal requests are submitted by the parent (Appellant), to the Local Authority Appeals Team.

Upon receipt, the Appeals Officer will contact the school, notifying them of the appeal, attaching a copy of the School Statement for update and if able, providing details of the scheduled appeal date and time.

For Academies, a presenting officer **must** attend the appeal hearing to present the school's case against further admission.

For Community Schools, the Local Authority will provide a presenting officer. Alongside this though, a representative from the school can attend/is most welcome to attend the appeal to co-present the case.

The purpose of an appeal

The appeals process is designed to allow some exceptions to the rules on admitting pupils to their desired school. The Appeal Panel is there to balance the school's difficulties caused by admitting another child, against the difficulties the child requesting the place would experience by not attending the school.

An appeal will be scheduled as either:

- Standard Admission Appeal;
- Infant Class Size (ICS) Appeal.

Further explanation about the different types of appeals is provided below.

Standard Admission Appeal

A standard appeal is held for a place being requested in any year group, where the infant class size criteria has not been met. This can be the case for infant class sizes, where the number of children per class is less than 30.

Appeal hearings are conducted using a two-stage process; examining the decision to refuse a place and then balancing the argument. Please see page 5 below for further explanation of the two-stage process.

When hearing standard appeals, the appeal panel members must consider:

- 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
- Whether the admission arrangements were correctly and impartially applied in the case in question.

Panel members will then need to determine whether the admission of additional children would prejudice the provision of efficient education or efficient use of resources at the admission authority/school in question.

Infant Class Size (ICS) appeal

An appeal is classed as an ICS appeal where the refusal to offer a place was on the grounds that the admission of the child would breach the infant class size limit.

For Years R, 1 and 2, legislation dictates that class sizes may be no larger than 30 pupils, to one qualified teacher.

What should an ICS appeal focus on?

You should focus on demonstrating how the admission of an additional child, would breach the ICS limit and that the decision to refuse the child in question, was not therefore unreasonable.

Examples of evidence for an ICS appeal

- Provide information around the number of teaching staff at the school and explain why the school cannot deploy further teaching staff, to accommodate an additional child.
- Provide information on the number of ICS classes at the school. It is worth noting here that the physical size of a classroom is less relevant to an ICS appeal, as the legislation limits the size of the class to 30 pupils per one teacher, regardless of the physical size of the classroom.
- Provide information about the organisation of classes in other subsequent classes of the infant phase. The Panel will take into account whether the admission of an additional child would breach the ICS limit not only in the current year group, but also in subsequent infant phase classes (Year R to Year 2).

An ICS appeal must be heard considering the following:

- The admission of an additional child would breach the infant class size limit;
- Do the school's admission arrangements comply with the School Admissions Code and other admissions law;
- Have the school's admission arrangements been correctly and impartially applied in the child's case;
- Is the decision to refuse admission one which a reasonable admission authority would have made in the circumstances of the case.

ICS appeals must follow the two-stage process detailed above. The emphasis here is on Stage Two in that all appeal hearings must go through both stages.

Simply finding that the admission of an additional child would breach the ICS limit and that the admissions arrangements have been applied correctly and lawfully, does not mean that appellants case/appeal can automatically be dismissed (as with a normal prejudice appeal - detailed above).



What are Block Appeals?

There are times when appeal panels will have to hear appeals from a number of parents who all wish their child to attend the same school and same year group.

It is important that all these appeals should all be decided by the same panel at the same time (where it is practical to do so), and the decisions should not be made on any individual case until all parents have been involved in both stages of the process.

In coming to their decisions the Panel should first assess whether admitting **all** the pupils would cause prejudice to the school and whether the children would have been offered a place if the admission arrangements had been properly implemented. If the Panel decides that the admission of all the pupils whose parents are appealing **would not** cause prejudice to the school then **all** appeals will be allowed.

If the Panel decides that to admit further children **would** cause prejudice to the school they have to decide for each individual case whether the grounds for appeal outweigh that prejudice.

Example of timetable:

09:30	Block	Stage One – School presents their argument against admission to all families appealing
10:40	Decisions	All parties leave the room and panel members determine whether the school have proved prejudice
11:00	individual	Parent private hearing with the parent, to present their argument for admission
11:30	individual	As above
12:00	individual	As above
12:30	Decisions	All parties leave and panel deliberate to make a decision about whether child's case outweighs that of the school



The Hearing Process

First Stage (Examining the decision to refuse admission)

- The School/Admission Authority case is presented for the school.
- The Panel Members will consider the School/Admission Authority's case and determine whether they have proved prejudice or not.
- Once a decision has been reached, the Clerk will contact the appellants to update them.

Second Stage (Balancing stage)

- The Appellant's case is considered and discussed.
- The Panel Members will deliberate and determine whether the Appellant's case outweighs that of the School/Admission Authority's.
- The Clerk will write to the Appellant, within 7 days, to outline the Panel's decision.

Understanding your role in the appeal hearing

Your role is to explain the school, the make-up of the school and the school circumstances, in order to convince the panel members that you cannot admit additional pupils.

In presenting your appeal argument, your primary focus is to make a convincing case that proves 'prejudice' to the smooth running of the school or the efficient use of resources.

You need to evidence to the panel that the admission of an additional pupil(s) would impact your use of staff and resources i.e. classroom not big enough to accommodate additional desk, overcrowding in corridors.

Include every little detail you can think of, even the little things such as not being able to fit in another peg for the child to hang up their coat!

If you have had previous successful appeals, tell them – this proves you are already having to accommodate additional demand on staff and resources above what you are capable of.

The appeal hearing is an informal process but if you do not provide the right and pertinent information, you will be questioned thoroughly by the panel so be prepared and do your homework.

The Appeals Team can help and support you with creating your statement so please do contact us (samantha.bacon@cambridgeshire.gov.uk)

Here is an example of common factors that the appeal panel members will consider:

- The impact on current and following academic years;
- The physical accommodation of the school, have any changes been made to the physical accommodation since the PAN was set;
- The organisation and size of classes;
- The availability of teaching staff;
- The level of special need in the school;
- The effect an additional admission would have on existing children already attending the school.

The panel may ask this specific question – if they don't, you should provide an answer anyway:

'what practical difference would it make to the school to let in just one more child'

Be thorough, include all detail that you can!

Production of evidence

The panel and appellant must be supplied with all information, relevant to the school, the year group in question and the child's application and refusal.

Specifically, the information supplied must include:

- Details of the school's admission arrangements.
- How the admission arrangements and the coordinated admissions scheme were applied to the child in question.
- The reasons for the decision to refuse admission.
- An explanation as to how the admission of an additional child would prejudice the provision of efficient education to other students or, the efficient use of resources.

All this information should be contained within your School Statement.

Upon receipt of an appeal, you will be notified of the pending appeal and will be sent a copy of your School Statement, to review and update.

It is imperative that you make the time to do this and return this to us by the date requested.

Explain the setup of the school

The panel members will want to know all about your school – the accommodation, size of classrooms, building plans or extension plans, how old is the building etc.

It is crucial at this stage that you provide as much information as possible, relevant to the year group and detailing specific concerns or issues to feel may arise, should you be asked to take on additional pupils.

Explain the school admission arrangements

Refer parties to Section 2 of the school statement – *Oversubscription Criteria*.

Explain this is how places are allocated.

Explain how the admission arrangements were applied to the application in question – what criteria did the application meet, what was the home to school distance measurement.

Explain what places have been offered since the child appealing was refused – what criteria were they, why were they offered i.e. a place became available as someone left.

Demonstrating Prejudice

Unless you put forward a robust case that demonstrates that the admission of an additional child would prejudice the provision of efficient education or use of staff/resources, the Panel **may** uphold the appeal in the Appellant's favour, thereby requiring you to admit the child.

Your aim therefore needs to be on demonstrating how the admission of an additional child would have an adverse impact on the school's resources, and how this will compromise the quality of the education received by existing pupils in the year group.

An argument that simply states that the school has reached its PAN for the year group, will not be sufficient. You must be able to expand on that and clearly demonstrate WHY.



Arguing your case if already over PAN or have previously been over PAN

One of the big questions that comes up time and time again is 'how will just one more child impact the class?'

How you respond to this is very important. You need to demonstrate lack of space and resources of course but, you should also draw attention to the teaching and learning issues that could arise for the rest of the class, should another child be admitted.

We know that schools work really hard to ensure no child is disadvantaged but it is important for you to demonstrate that whilst teachers are working hard, the impact is clear and it is not sustainable for the teacher or the other children.

Demonstrating the impact of additional children is imperative if you have already been over PAN or are over PAN in the year group. You want the panel to avoid the assumption that you have coped before so why couldn't you cope now?

The greatest advice we can give you is to be mindful of EVERYTHING!

See next page for things to consider and to help you prepare your evidence.

Things to consider:

- When were you last over PAN in that year group?
- Explain the negative impact this had on the class – children suffered, lack of equipment, specific learning needs not being met, lack of physical space, lockers, toilet facilities, does it affect the delivery of the curriculum etc
- How many children have left the year group this academic year – be specific and include when they left and whether this created a space that was then offered to a child on the waiting list, or if you were over PAN no place was offered and you returned to the correct number in the year group. The best way to evidence this information is to create a simple timeline that shows dates and what happened. The panel will really appreciate this!
- SEN Needs – explain how many EHCP children you have in the year group/class, do you have children with sight/hearing impairments or mobility issues, how many TA's do you have in the class and allocated to which children, if there are specific difficulties with any child explain them (obviously without revealing who the child is), evidence how admitting another student would impact the level of education/support that is available to these children.
- Talk about the size of your classrooms. Be specific on size, how they are laid out, what the corridors are like (narrow/crowded). Include photos if you have them!
- Talk about desk space, computer/iPad availability, learning resources needing to be shared when they are perhaps already stretched.
- Fire safety – if corridors are overcrowded already, you have a health and safety issue – talk about it, evidence it.
- Staff – how many staff do you have, do you have a high turnover of staff, are you currently short staffed or in the process of recruiting new staff. How would an additional child impact on the staff you have currently?
- Presenting your case – consider who is the most appropriate person to present your appeal case; is it the headteacher or the SENDCo maybe?

Your School Statement

Your School Statement is your argument against further admission. This document contains all relevant information to the appeal and about your school and is what the Panel and Appellant will receive, as part of the complete appeal pack.

The Statement will be broken down into the following Sections:

Intake Number

This is your Published Admission Number (PAN) for the year group. This section will explain your PAN and detail that it was agreed in consultation and will be applied from Year R.

Infant Class Size Limits

This section will be added to your Statement, if the appeal is an Infant Class Size (ICS) appeal. This section explains the ICS limit and what the exceptions and prejudice are.

Admissions Procedures and Criteria

This section will set out your school's oversubscription criteria, mirroring what is published on your website and within the Primary/Secondary School Booklet e.g.

1. Children in Care, also known as Looked After Children (LAC), and children who were previously looked after but ceased to be so by reason of adoption, a residence order (now known as a child arrangement order) or special guardianship order. **0**
2. Children who have been in state care outside of England and ceases to be in state care as a result of being adopted **0**
3. Children living in the school's catchment area with a sibling (living in the same home) at the school at the time of admission. **14**
4. Children living in the catchment area. **16**

Please Note:

For Transition Appeals, alongside each criteria we will provide additional detail, stating how many places were allocated. This will show the panel the criteria you allocated up to and how the allocations were divided up. Please see numbers in red which details how many places were allocated under each criteria.

Underneath the criteria, we will also provide a table which sets out the total number of places allocated, the criteria allocated up to and the home to school distance measurement for the final allocation e.g.

No. places allocated – 30
Criteria allocated up to – 4
Distance measurement – 2.11 miles

School organisation

This section will show how you organise the school, how many classrooms you have and how many children are in each class e.g.

	YR	Y1	Y2	Y3	Y4	Y5	Y6
Class 1	30						
Class 2		26					
Class 3			29				
Class 4				26			
Class 5					30		
Class 6						30	
Class 7							30
Total	30	26	29	26	30	30	30
PAN	30	30	30	30	30	30	30

Accommodation

This section is where you need to clearly set out in detail, the layout of the school.

This will include when the school was built, how many classrooms there are, what the net capacity is, what the size of each classroom is (i.e. 54 sq. m), whether the classes are mixed etc.

The information provided here needs to be general information about the school as a whole but also specific to the year group and classroom in question.

1. What size are the classrooms and how many students can they accommodate in each?
2. Has there been any building extension work?
3. Is it ongoing and therefore causing health and safety concerns?
4. What is your net capacity?
5. What is congestion like during lesson changeover?
6. Are the hallways or staircases narrow causing a health and safety risk?
7. What level of SEN do you have in the school – and be specific to the year group in question.
8. What is the availability of teaching staff?
9. Provide photos of your classrooms or of hazards you are quoting.

SEN Information

This section is where you need to provide detail of SEN children at the school e.g.

	R	1	2	3	4	5	6
EHCP							
EAL							
LAC							
SEN							

The information you provide in this section is important and is keenly viewed by the appeal panel.

Be specific to the year group and explain fully any SEN need that you have in the classroom. This could be you having a pupil with:

- Visual or hearing impairment;
- Mobility need i.e. uses a wheelchair;
- 1:1 tutors or tuition;
- ASD/ADHD;
- Behavioural issues;
- Time Out sessions;
- Therapy needs and support.

Think about the resources needed in the class, the level of staffing, what impact certain pupils have on the class current. For example, if a pupil requires time out sessions or sessions outside of the classroom this will likely mean the TA goes with them. What therefore is the impact on the rest of the class? The teacher has to deal with a ratio of more than 30:1 potentially? Can the physical size of the classroom cope with additional pupils on top of the adult support staff who are in the room?

Mobility Data

Appeal panels are always really interested in your data around pupils who have left and joined the year group. This gives them a sense of movement in the school for example if you can show that to date you have only had one pupil leave the school, this shows low turnover and means your class sizes will always be at their current numbers as your evidence shows pupils go there to stay for the entirety of their primary/secondary education.

Be specific to the year group in question and aim for simple detail such as 'x pupils left by this time and x pupils joined'.

Implications of further admission

This section is where you need to provide detail about why you feel admitting another child into the year group, will prejudice the school, the provision of education and the use of staffing/resources.

Be mindful of recent appeals. If you know you had some appeals heard recently, find out the results from those and if successful, include this information in your statement or at least come armed with the information on the day.

Conclusion

This is your final summary of your case and needs to be succinct and to the point.

Your conclusion does not need to be lengthy, just summarise the salient points and reiterate your reason why further addition would prejudice the education you are providing to your current pupils.

Factors that will be considered by the Panel

In making their decisions as to whether or not prejudice will occur, should an additional child be admitted to a school, the Panel may consider the following factors:

- The effect an additional child would have on the school in the current and following academic years, as the year group moves through the school.
- Whether any changes have been made to the school's physical accommodation or organisation since the PAN was originally set for the relevant year group.
- The impact on the organisation and size of classes, the availability of teaching staff and the effect on children already at the school and in that year group.

What should your argument focus on?

Any pressures on staffing and their workload, for example:

- Number of teachers and non-teaching staff and the impact additional children will have on their ability to deliver effective education.
- The number of children with high needs registered on roll and the impact this may have on both teaching and non-teaching staff, as well as the existing children at the school and in the year group.

What questions will the Panel likely ask?

It is likely that the appeals panel will ask detailed and challenging questions about the case being heard and the characteristics of the school. Possible questions might be around:

1. The school's capacity.
2. The classroom sizes.
3. The availability of staff.
4. The impact the admission of additional pupils will have on resources.
5. The school's reasons for refusing admission.

It is also likely that the panel will question the presenting officer about the school's admission arrangements and how they were applied to the child in question.

Any restrictions in the school's facilities, for example:

1. Classroom sizes and the number of children they can accommodate.
2. Size of shared space such as dining areas, assembly areas, sporting facilities, examination areas and the number of children they can accommodate.
3. Any pressures on physical space which may result in health and safety concerns.



The evidence you provide **must** be specific to the school and to the impact admitting additional children will have on the delivery of efficient education and use of resources.

For example, you cannot rely on providing national average statistics as this will not be sufficient in demonstrating prejudice to your school and the particular year group.

Try not to make speculative statements of future prejudice occurring, for example budgets cuts or the reduction of staffing levels. Speculation is unlikely to prove sufficient in demonstrating prejudice.

Remember, the Appeals Team are here to support you so please do not hesitate to contact us if you would like support with your statement.

