

Appeals 2019-20

Parents have the right to appeal if their child is not offered a place at Holy Family Catholic Primary School.

If you wish to appeal because your child was not allocated a place in Reception for the 2019/20 school year, you will need to notify the Clerk to the Governing Body, and send in all supporting paperwork, by 17th May 2019. You will then be notified when to attend your appeal hearing.

APPEAL INFORMATION

I would like to draw your attention to the following paragraphs from the 2012 'School Admission Appeals Code of Practice'.

4.6 The panel may only uphold the appeal at the first stage where:

- a) it finds that the admission of additional children would not breach the infant class size limit (30); 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 made which a reasonable admissions authority would have made in the circumstances of the case.

4.8 The panel **must** dismiss the appeal at the first stage where:

- a) it finds that the admission arrangements did comply with admissions law and were correctly and impartially applied; 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, the child would not have been offered a place;

and it finds that the decision to refuse admission was one which a reasonable admission authority could have made.

If you wish to discuss the above or clarify any queries you may contact:

1. Advisory Centre for Education (ACE) operates an advice line, and also provides on-line leaflets for parents on admissions, appeals and exclusions.

Advisory Centre for Education (ACE) Ltd
Advice line is open from 10:00 – 1:00 pm Monday-Thursday on
0300 0115 142
Website: www.ace-ed.org.uk/
2. The Department for Education and Skills' Parents Centre website offers advice to parents on a wide range of school-related issues, and has links to both the Admissions and the Appeals Codes of Practice.
Website: www.gov.uk/schools-admissions/appealing-a-schools-decision
3. If you would like advice on general admissions issues and appeals contact the Admissions Team at Slough Local Authority.

Before you decide whether to appeal please read Appendix A 'Advice for parents' and note the section that explains the rules that apply if your application has been refused because the class has reached the KS1 legal limit of 30.

Please contact the school administrator for appeal paperwork and timescales.

ADMISSION APPEALS: ADVICE FOR PARENTS

The result of your appeal will depend on the strength of your case. In most admission appeals, the panel goes through two stages.

In the first stage, the panel hears the case put by the admission authority, explaining why it did not offer you a place at your preferred school. The panel decides whether there was a good reason for turning down the application (the phrase sometimes used is "whether the admission would be prejudicial to efficient education or efficient use of resources"). An example might be where the school had very small classrooms and couldn't fit your child in without making the space too cramped for good teaching and learning.

If the panel does decide there was a good reason for turning down your application, it will begin the second stage of the appeal, where the panel hears your case, and why you are appealing against the decision. You can mention all the reasons why that school would be the best for your child, and what special factors justify your child getting in spite of the good reason for turning you down. The panel then makes a "balancing judgement", and decides whether the benefits to your child of going to the school you are appealing for instead of the school you have been offered outweighs the bad effects on the school and the other children of having one more pupil in the class. If the appeal panel decides that your case is the stronger, it will uphold your appeal and the admission authority is then under a duty to admit your child to the school.

Different rules apply if your admission application has been refused because the class has reached its legal limit of 30. Since September 2001 it has applied to all infant classes – any class for 5-7 year olds.

In this type of appeal the appeal panel are only allowed to look at two things. The first thing is whether the admission authority stuck to its own rules which were published in its admission arrangements. If the admission authority broke its own rules, either deliberately or by mistake, then your appeal can succeed, **but only** if your child would have got in if the rules had been applied properly.

The second thing is whether the admission authority acted unreasonably. The law defines "unreasonable" very carefully in these cases. For the decision to be "unreasonable" it must be completely illogical, or not based on the facts of the case. The facts of the case include the published admission arrangements, the number of applicants, the number of classrooms at the school, and other factors to do with the school or the admission authority. The facts of the case do not include facts particular to your child or any special reason you might have for wanting your child to go to that school (the convenience of the journey between your home and the school, for example).

You are free to talk about personal factors at the appeal hearing if you want to, **but in this type of appeal the appeal panel cannot take them into account unless they are relevant to one or other of the two things they are allowed to look at.**

If your appeal succeeds, the admission authority must offer your child a place at the school. If your appeal does not succeed, you can ask the school to put your child on their waiting list (if the school has one), as places sometimes become free after the start of the school year. If you are unhappy about the way the appeal hearing was carried out, you could complain to the Local Government Ombudsman, who might recommend a new appeal.