

In-Year Appeal Factsheet

For children moving or starting school mid-year

Your Right of Appeal

You have the right to appeal against the refusal of a place at any of the schools which you listed on your application form. You can only appeal for schools which you have already applied for.

Your appeal will be considered by a panel of three volunteers who are independent of the school, and their decision is binding on the admission authority and the school.

Very few appeals are successful each year, and those that do succeed are normally where there are exceptional circumstances. Arguments such as distance to the school or childcare arrangements do not usually outweigh the admission authority's case.

We strongly recommend that you accept the place you have been offered, as this will ensure that your child has a school place in September. Accepting a school place will not influence the outcome of your appeal or your child's position on a waiting list.

If Your Child is Aged 4 to 7 - Key Stage 1 Infant Class Size Legislation

By law, infant classes (Reception, Year 1 and Year 2) with a single school teacher must not contain more than 30 pupils.

Where a child has been refused admission to a school because admitting them would take an infant class above 30 pupils, an appeal panel can only offer a place to a child where it is satisfied that either:

- a) The admission arrangements were not applied properly, or,
- b) The admission arrangements contravened the School Admissions Code or the School Standards and Framework Act (SSFA) 1998, and that is what caused the pupil to be refused a place, or,
- c) The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

Before the Appeal

When you submit your appeal you must also send in any evidence you want to include as part of your appeal. The Appeals Administrator will contact you after the deadline to let you know when and where your appeal will take place.

If you want the panel to consider any additional information, you must submit all the relevant papers at least 7 days before the hearing so that the panel has the opportunity to consider them. If you bring new evidence with you on the day of the appeal hearing then it's unlikely that the panel will agree to consider it. If you have any questions or concerns you should contact the Appeals Administrator.

Approximately a week before the hearing, you will be sent copies of all the paperwork which will be presented to the appeal panel, including your documentation together with a statement from the school or admission authority explaining why it was not possible to offer your child a place.

The Appeal Process

The appeal hearing usually lasts about 30 minutes, and you are strongly advised to attend so that you can explain the reasons for your appeal. If you are unable to attend the appeal hearing, the panel may decide to consider your case on the written evidence alone.

There will also be a representative of the school present so you and the panel can ask them questions, and both they and the panel are able to ask you questions as well. You can take a friend or relative with you if you wish, but it is not usually necessary to take a legal representative as appeal hearings are informal.

The Appeal Decision

At the end of the hearing, the clerk will tell you when you can expect to receive the panel's written decision. They will not decide your case until they have heard all the appeals for that school, so it may be several days before a decision is made and letters are sent by the clerk to inform families.

If your child is in Reception, Year 1 or Year 2 the panel considers whether:

- a) The admission arrangements were not applied properly, or,
- b) The admission arrangements contravened the School Admissions Code or the School Standards and Framework Act (SSFA) 1998, and whether that is what caused the pupil to be refused a place, or,
- c) The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

If your child is in Year 3 or above, the panel considers whether:

- a) The school's published admissions arrangements have been correctly applied, and
- b) The admission of another child would prejudice the provision of efficient education or use of resources at the school.

If they decide that these reasons outweigh the case put by the admission authority your child will be offered a place.

After the Appeal

After the appeal if you feel that the procedures have not been followed properly or there have been irregularities in the way your appeal was handled or arranged (maladministration), you may complain in writing to:

- the Local Government and Social Care Ombudsmen (www.lgo.org.uk) regarding maintained schools, or,
- the Education and Skills Funding Agency (ESFA) regarding academies.

Further details of the complaints process can be found online here: www.gov.uk/schools-admissions/appealing-a-schools-decision.

You can complain within 12 months of your appeal to the Ombudsman, or within 6 months to the EFA unless there is a good reason for the complaint being delayed. They can only investigate complaints based on maladministration of the panel, and they can't overturn the panel's decision, but where they find that something went wrong which could have affected the panel's decision, they can ask that we hold a fresh appeal.

Independent Appeals Service
8th Floor, River Park House
225 High Road, Wood Green
London N22 8HQ
T: 020 8489 1000
www.haringey.gov.uk