

School Admission Appeals

Information for Parents



Introduction

This factsheet covers arrangements for parents wishing to appeal against admission decisions. The appeal arrangements are made in accordance with the appropriate legislation and the School Admission Appeals Code of Practice.

Appeal for a Voluntary Aided School

Voluntary Aided Schools are responsible for their own admissions decisions and appeals.

Catholic Primary & High Schools – It is necessary for you to appeal via **Liverpool Archdiocese, Schools Department** and you can do this by completing an appeal form online at: www.liverpoolcatholic.org.uk/schools/Appealing-For-A-School-Place . In respect of **Maricourt Catholic High School only** arrangements for you to appeal can be made by writing to the school directly: Maricourt Catholic High School, Hall Lane, Maghull, Liverpool L31 3DZ; email: waughj@maricourt.net

St Michaels Church of England High School – Sefton Local Authority administers appeals on behalf of the school, and therefore such requests should be made by completing the Authority's appeal form.

Church of England Primary Schools (except Christ Church, Rimrose Hope, St Andrew's, St John's Crossens, St Lukes Formby and St Philips Litherland CE Primary Schools – all of which are Voluntary Controlled Schools - see page 2). Requests for an appeal can be made by writing to the Clerk to the Governors at the school concerned.



Appeal for a Community, Voluntary Controlled Church of England, Academy or Free School:

If your child has been refused a place at your preferred school(s) you have the right to appeal, with certain limited exceptions (i.e. pupils that have been permanently excluded from two or more schools), against the Authority's decision. The purpose of an appeal is to:

- provide an independent, impartial and informal forum for parents and Sefton's People Directorate to present their respective cases, where all parties are confident that they will be given a fair hearing;
- provide a system which is clear and consistent and as easy to understand as possible by everyone involved.

Infant Class Size Appeals

Government legislation requires that any Reception, Year 1 or Year 2 class should not accommodate more than 30 pupils with a single qualified school teacher. The Authority will refuse admission to any child, except in certain limited circumstances, if admitting the child would take the class over the limit of 30 children.

An appeal against such a decision can only be allowed if the Appeal Panel is satisfied that either:

- The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case; or
- The child would have been offered a place if the Local Authority's admission arrangements had been implemented properly.

In this context, 'reasonable' has the legal meaning of 'not perverse', therefore 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 and must be:-

'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 his mind to the question could have arrived at it'.



With such appeals the Appeal Panel will simply hear the Authority's explanation as to why a place has been refused followed by your reasons for saying that the appeal should be allowed on one of the grounds referred to above before making their decision.

What happens if I decide to appeal?

You should complete and return the appeal form by the date specified in the letter accompanying this fact sheet. You may wish to submit other documents e.g. medical, educational or other professional reports or letters and these should be included with your appeal form wherever possible. Do not delay in returning the form if you are waiting for other documents as these can be sent at a later date. The appeal form and any other documents should be sent to the following address: **Sefton School Admissions Team, Town Hall, Oriel Road, Bootle, L20 7AE.**

Your appeal form, and any other documents, will be sent to the Clerk to the Independent Appeal Panel. The Clerk will then arrange for your appeal to be heard. Where there are a number of appeals for the same school, the Appeal Panel will make every effort to hear all appeals together, possibly over a period of several days. If you would like further advice and support about appealing for a school place, please contact the Admissions Team: Email: admissions@sefton.gov.uk or Telephone: 0151 934 3590.

When will my appeal be heard?

Appeal hearings for Primary to Secondary transfers and the allocation of places in Reception must be heard within 40 school days* of the deadline for lodging appeals.

- For late applications, appeals should be heard within 40 school days* from the Sefton deadline for lodging appeals where possible, or within 30 school days* of the individual appeal being lodged.
- For applications for In-Year admissions, appeals **must** be heard within 30 school days* of the appeal being lodged.

*School days refers to Sefton's standard school term dates. **Therefore appeals are not heard during school holidays.**

Any appeals submitted after the appropriate deadline **must** still be heard, in accordance with whatever timescale is set out in the timetable published by the Admission Authority.



You will normally receive at least 10 school days notice of the appeal hearing from the Clerk to the Independent Appeal Panel, unless you agree, in writing, to a shorter period of notice. At least 7 working days before the hearing you will receive a written statement detailing why it has not been possible to allow your child to attend your preferred school. This will form the basis of the case for the Authority.

Where are the appeals heard?

Appeals are normally heard at Bootle Town Hall. Other venues may be used on occasions and the Clerk to the Independent Appeal Panel will write to you with details of the location, date and time of your appeal hearing.

Can I attend the hearing?

Parents are encouraged to attend the appeal hearing wherever possible to present their case to the Panel and to clarify any points raised. If it is not possible for you to attend, your appeal can be heard in your absence and a decision will be reached on all the written information which is available to the Panel.

You can also bring along and/or be represented by someone, such as a friend, adviser, an interpreter or signer to help you make your case.

Such an adviser can be a locally elected politician, or an employee of the Local Authority such as an educational social worker, SEN adviser or learning mentor, provided that this will not lead to a conflict of interest. Admission authorities must not allow an employee of the school in question or a member of the admission authority concerned to attend in this capacity.

It will not normally be necessary for the child to attend the hearing.

Who will be present at the appeal hearing?

- The Presenting Officer for the Local Authority will present the case for the Authority as to why your child has not been allocated a place at your preferred school.
- The Clerk to the Independent Appeal Panel is present throughout the hearing to take notes and to give advice and guidance about the procedure and the law. The Clerk is not a member of the Appeal Panel and takes no part in the decision making process but remains with the Appeal Panel whilst it makes its decision.



- There will be 3 independent members on the Appeal Panel including:-
 - ❖ at least 1 lay member. This means a person without personal experience in the management of any school or the provision of education in any school (unless that experience was gained as a school governor or in any other voluntary capacity);
 - ❖ at least 1 member who has experience in education, is familiar with the educational conditions in Sefton or is the parent of a registered pupil at a school.

Appeal Panel members are volunteers who are completely independent of the school and the Local Authority.

What happens at the appeal hearing?

Appeal hearings are part of the legal system and although they follow a set procedure they are relatively informal.

The Chairperson of the Appeal Panel will welcome you to the hearing and introduce the other members of the Appeal Panel plus the clerk and the Presenting Officer before explaining the procedure to be followed, which is set out below:-

- The presenting officer will present the case for the Authority explaining why the Local Authority considers that your child's admission to the school would "prejudice the provision of efficient education or the efficient use of resources" or in the case of Infant Class Size Appeals, that the admission of further children to the school would breach the Infant Class Size limit.
- You may question the presenting officer about any points raised or ask for clarification if there is anything which is unclear and the Panel may question the presenting officer.
- You will be invited to present your case and explain the reasons why you wish your child to attend the school in question.
- The Panel members and the presenting officer may ask you questions in relation to the reasons you have given for wishing your child to be admitted to the school under consideration.
- The presenting officer will be asked to sum up the Authority's case.
- You will be given the opportunity to sum up your case.



- Both parties will withdraw whilst the Panel considers the representations and evidence.
- If the Panel requires any further information, both parties shall be invited to return.

No decision will be made there and then but usually by the end of the day at the conclusion of all appeals having been heard.

In the case of multiple appeals in the same year group for the same school, that may be heard over a number of days, no final decisions will be made until **all** the appeals have been heard.

How do members of the Appeal Panel reach their decision?

The Panel will give careful consideration to your appeal and unless your appeal involves Infant Class Size Legislation (see page 2), the Panel will reach its decision by considering your appeal in two stages.

Firstly at stage 1 the panel will consider whether the school's admission arrangements are lawful, and whether they have been properly applied in individual or multiple cases. They would also consider whether the admission of additional children to the school would prejudice the provision of efficient education or the efficient use of resources at the school.

If the Panel considers that the admission arrangements did not comply with the law or had not been properly applied which has resulted in a child not receiving a place, or if it feels that the admission of a child would not cause prejudice to the school then a place would be granted.

If however, the Panel is satisfied with stage 1 they will move to stage 2, where it will balance the personal factors put forward by the appellant against the level of prejudice it feels a further admission would cause to the school.

If the panel feels that an appellant's personal circumstances outweigh the level of prejudice caused to the school it would allow the appeal. If it does not, then the appeal would be refused.

If the Appeal Panel decides to allow an appeal, then the school must admit the child. If the Appeal Panel decides to refuse the appeal, then the parent should seek a place for their child at an alternative school.

When will I be informed of the Appeal Panel's decision?

The Clerk to the Independent Appeal Panel will write to the appellant within a period not exceeding five school days after the hearing. Where appeal hearings for a school have been held over several days, no decisions will be made until the final day. In such cases the decision letter will take a little longer to prepare and send out.

What can I do if my appeal is refused?

The child will have to remain at the current school, or you may select an alternative school for your child to attend. The Admissions Team will be able to offer assistance with this. The parent must ensure that attendance at the child's current school is maintained.

A second appeal cannot be heard for the same school, in the same academic year, unless there has been a material change in the original circumstances e.g. a house move. It is the decision of the individual Admission Authority to determine whether you may have a further appeal. An appeal for a place at the same school can be heard again in a later academic year.

What can I do if I am unhappy with the Appeal Panel's decision?

The Local Government Ombudsman can investigate complaints about maladministration on the part of an appeal panel for a maintained school*.

A complaint to the Ombudsman is not a further appeal. It must relate to the administration of an appeal, rather than the appeal decision. Maladministration covers issues such as failure to follow correct procedures or failure to act independently and fairly. It does not cover the merits of decisions that only the panel has the authority to make. Therefore, generally, the Ombudsman cannot consider whether the appeal panel was correct to uphold or dismiss the appeal.

The Ombudsman is not able to overturn the appeal panel's decision but, where they find that there has been maladministration, they may make recommendations for a suitable remedy. For example, they may recommend that an appeal is reheard by a different panel and with a different clerk. Contact details for the Local Government Ombudsman can be found on page 8.

* In respect of **Academies and Free Schools**: a complaint should be made to the Education Funding Agency instead of the Local Government Ombudsman (see contact details on page 8).



Contact Details

Sefton School Admissions Team

Schools Regulatory Services

Town Hall, Oriol Road

Bootle, Liverpool

L20 7AE

Email admissions@sefton.gov.uk

Tel: 0151 934 3590

The Clerk to the Independent Appeal Panel

Committee and Member Services

Town Hall, Oriol Road

Bootle, Liverpool

L20 7AE

Email: ian.barton@sefton.gov.uk

Tel: 0151 934 2788

Archdiocesan Schools Department

Liverpool Archdiocesan Centre for Evangelisation (L.A.C.E)

Croxteth Drive

Liverpool

L17 1AA

Tel: 0151 522 1071

www.liverpoolcatholic.org.uk/schools/Appealing-For-A-School-Place

Diocese of Liverpool

St James' House

20 St James Road

Liverpool

L1 7BY

Tel: 0151 709 9722

www.liverpool.anglican.org

Local Government Ombudsman

P O Box 4771

Coventry

CV4 0EH

Tel: 0300 061 0614 or 0845 602 1983

Academy Admission Appeal Complaints

Academies Central Unit

Education Funding Agency

8th Floor, Earlsdon Park, Butts Road

Coventry

CV1 3BH

Email:

academyquestions@efa.education.gov.uk

If you need this leaflet in a different format or another language, please contact us on:

0151 934 3590

www.sefton.gov.uk/schooladmissions

