



ADMISSION APPEAL GUIDE:

1. Introduction

This leaflet provides guidance on the arrangements, which have been made for parents to appeal against school admission decisions, for Schools in Doncaster.

The appeal arrangements are made in accordance with the School Admission Appeals Code which is issued under section 84 of the School Standards and Framework Act 1998.

2. Why your application was refused

The Admission Authority would like to meet all parental preferences; however, this is not always possible. If this is the case, you will have received a letter confirming the decision and of your right to appeal against it, to an independent appeal panel.

Your application will only have been refused because the admission limit for your child's year group has been reached* and to admit any further pupils would prejudice the provision of efficient education or the efficient use of resources.

* Or in the instance of Year of Entry applications (received by the national closing date): - your application will only have been refused, if the number of applications exceeded the admission number for the school. In this case, your child would not have been eligible for a place using the schools admission criteria, as to admit any further pupils would prejudice the provision of efficient education or the efficient use of resources.

Class Size of 30 Legislation

This applies to the majority of children currently being taught within Key Stage 1 (i.e. Reception, Year 1 and Year 2), the current legislation states that these classes must not (with limited exceptions) contain more than 30 children taught by one teacher as to admit any further pupils, would prejudice the provision of efficient education or the efficient use of resources.

3. Completing your appeal form

You must complete all sections on the appeal form:-

Reasons for not wanting present/offered school:

You should include all information you consider relevant as to:

- Why your child cannot remain at their present school
- Or where appropriate - why your child cannot attend the offered school

Reasons for wanting preferred school

You should include all information you consider relevant such as:

- Why you feel a place should be offered.
- What the school can offer your child that their present or offered school cannot.

Please note: any information given will be verified with the relevant school/department.

It is important that you include all of the information you wish the appeal panel to have when they are considering your case.

Help to complete your appeal form

This support is only to help you complete your appeal form if you are unable to do this yourself. For further help and advice about the appeal process, see section 9.

- If you need help from an **interpreter** please telephone 01302 734699 or 01302 737569. You can also email LegalAdmissionAppeals@doncaster.gov.uk Please include your child's name and date of birth, a contact telephone number and language.
- If you need help because you are unable to complete the appeal form yourself, please telephone 01302 736504 or email APWS@doncaster.gov.uk Please include your child's name and date of birth, a contact telephone number and brief details of the help you need.

4. What type of information should I provide?

You are responsible for deciding what information you would like the Appeal Panel to have.

You should give as much information as possible on your appeal form in support of your appeal and you should give clear and concise reasons for why you want your child to go the particular school, as this will help the Appeal Panel when considering your case.

Appeals will be decided by an independent appeal panel on the information, which you have submitted. Therefore, it is important that you include all the information you feel relevant to your appeal and which you would like the panel to consider such as:-

- Why the preferred school is more suitable for your child than other schools
- Why the school offered is not suitable for your child
- Any details which you feel make your case different to others who may also be appealing for the same school as you

- Supporting documents which you may wish to provide (e.g. medical reports) should be sent to LegalAdmissionAppeals@doncaster.gov.uk

Please note: any information given will be verified with the relevant school/department.

You should also consider the following:-

- If you have moved house since you submitted your application and this is what your case is based on, it would be helpful to provide evidence of the move e.g. solicitors letter, utility or council tax bill.

Please note: this proof or other written documentation, should where possible, be submitted with your appeal form. Where this isn't possible you should add a note to show that this will follow and when you will send it.

Parents should be aware that individual circumstances are relevant to an appeal, however, these are but one of many relevant factors.

5. When will my appeal hearing be?

Your appeal must be heard within **30 school** days after you lodge it, or in the instance of Year of Entry applications (received by the national closing date) your appeal will be heard within **40** school days of the deadline date for submission.

At least 10 school days prior to the hearing, you will be invited to attend the remote hearing, which will be held using Microsoft Teams. Within the invite, it will explain that you will be sent a link for the meeting, by email, a few days before the hearing date. It will also include details on what to do if you do not have the facility to join Teams and a copy of the Guidance for Remote Hearings and Doncaster Remote Meetings Protocol.

You will also receive a statement explaining the reasons why your application was refused prior to the hearing.

6. Who attends the appeal hearing?

Appeals are heard by an independent panel of three (one of which will be the Chair) voluntary members of the public and at least one will have an educational background.

No Panel Member will have any connection with the school in question.

In addition to the panel members the following people will also attend:

- Clerk
The clerk is not a member of the panel and is there to ensure that relevant information is presented to the panel. They will also advise the panel independently, minute the meeting and notify all those involved of the panel's decision.

- The Presenting Officer
The presenting officer (who will either be an officer of the local authority or a member of the school leadership team) will attend the hearing to explain general admission arrangements and why your child was refused a place.
- School Representative
If the presenting officer is from the LA a member of the school's leadership team may also attend the Appeal Hearing to support the Authority's case and to answer detailed school questions as appropriate.

7. What happens at the appeal hearing?

You may be accompanied or represented by a friend (see glossary) or have an interpreter with you to assist you with presenting your case.

If you cannot attend the hearing, you can allow the appeal to go ahead as arranged, based on your written evidence or you can request a new date.

Your Appeal will be considered as either an Individual or Joint appeal:

- **Individual** if you are the only parent appealing for that year group at the school.
- **Joint** if there are other parents appealing for that year group at the school, the panel will consider the case provided by the school for all of the appeals at the same time. They then consider separately the individual reasons which each family who are appealing have provided.

The presenting officer presents the case as to why the Admission Authority decided not to admit any further pupils to the school in order to avoid prejudice to the provision of efficient education or the efficient use of resources. Panel Members and parents are then given the opportunity to ask questions on the case presented.

The Panel will then consider the parents case (which will be heard individually). This is your opportunity to give details of the reasons for your preferred school and for those present to ask questions on your case.

8. How do the appeal panel reach a decision?

The appeal panel reaches a decision in private, by a majority vote.

If your child is currently being taught within Key Stage 1 (i.e. Reception, Year 1 and Year 2) please see Section 8b.

- 8a.** In order for the Panel to reach their decision they must balance whether the degree of prejudice to the provision of efficient education or use of resources at the school, outweighs the parental preference, together with the information provided by parents i.e. the parent's case.

- 8b.** This applies to the majority of children currently being taught within Key Stage 1, (i.e. Reception, Year 1 and Year 2). The current legislation states that these classes must not (with limited exceptions) contain more than 30 children taught by one teacher as to admit any further pupils, would prejudice the provision of efficient education or the efficient use of resources.

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; 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 following extract from the Local Government Office gives an example of what might be 'perverse'.

"Most parents who have been refused a place at their preferred school consider this refusal to be perverse. But the word has a stronger meaning in its legal sense. It means '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'. **A decision that makes it impossible for you to transport all your family to school on time, or even impossible for you to continue working, is very unlikely to be perverse.** The courts have established this.

If the admissions authority had refused a place to a child whose family had had to move house under a witness protection scheme, a panel might decide that the decision was perverse. But it is the panel's decision. We will not question that decision if the panel followed the correct procedures in reaching it."

Decision letters should be sent within **7 calendar days** of the hearing, wherever possible.

Successful Appeals

The school will be informed of the decision. You must then take up the place within two weeks of the start date given by the school.

Further Appeals

No further right of appeal will be given for the **same school in the same academic year** unless there has been a significant change in the circumstances of the family and/or the school.

Where information was known at the time of the original appeal, but parents chose not to use it, this will not be considered at a later date as additional information or a change of circumstances.

If you feel you are eligible for a further appeal, please email admissionappeals@doncaster.gov.uk outlining your significant change in circumstances since the previous appeal.

9. If you have any further questions:

If you have any questions or queries regarding the Appeal procedure

Please contact: Ms Mather
Legal Services
Telephone: 01302 734699
legaladmissionappeals@doncaster.gov.uk

Alternatively, if you have any questions regarding the admission process please contact:

Admission Appeal Officers
Telephone: 01302 737274
admissionappeals@doncaster.gov.uk

10. Complaints

For all schools **except Academies** you can contact:

1. The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH Telephone: 0300 061 0614

Please note the Ombudsman can investigate written complaints about maladministration on the part of an admission appeal panel.

- This is not a right of appeal and has to relate to issues such as a failure to follow correct procedures or a failure to act independently and fairly, rather than just that the person making the complaint thinks that the decision is wrong.

If maladministration is found, one of the remedies sometimes proposed is that there should be a fresh appeal conducted before a different appeal panel.

-or-

2. For complaints **about Academies** parents should contact the Education Funding Agency. Use the following link which contains the online complaint form and further contact information:-

www.gov.uk/government/publications/academy-independent-admission-appeal-panel-complaints

If the Education Funding Agency decides something went wrong with the appeals panel, it may either ask the school to hold a new appeal hearing with a different panel and/or recommend the school reviews its appeals process

-or-

3. For other schools contact
The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Please note: the Secretary of State will only consider the following:

- whether the appeal panel was correctly constituted; or
- whether the admission authority has acted reasonably in exercising functions in respect of the appeal process.

If for example, the panel was not constituted properly, the Secretary of State can exercise his/her powers by directing that a properly constituted appeal panel be set up.

Glossary

Appeal Panel	A group of 3 people who decide whether a child who has been turned down for a place at a school should be given a place.
Appellant	A person appealing for a place at their preferred school.
Friend	You may be accompanied by a 'friend', adviser or an interpreter who may speak on your behalf.
Prejudice	Disadvantage caused to the education of others or the resources available to the school.
The Admission Authority	For community schools – City of Doncaster Council For all other schools and academies – The Governing Body