

Admission to Primary School in 2020

School Admission Appeals

A Guide for Parents



Introduction

This guide is to help families who have not been offered a place at the infant, primary or junior school they wanted for their child.

In the first instance you should visit the school you have been offered to get the feel of it and meet with the head teacher. Once you have done this, if you are still not satisfied you should request to join the waiting list of any or all of the schools you named on your application form but could not be offered. This provides parents with the best opportunity to secure a place at one of their preferred schools. Finally, you may also wish to consider lodging an appeal.

Why didn't my child get a place at the school I wanted?

The school(s) received more applications than places available and other children had a higher priority for the place than your child when the school's oversubscription criteria was applied.

When a school doesn't have enough places for everyone who wants to go there, it has to have a fair and transparent way of deciding which children should be offered. Often a school takes the children who live closest first, so if you live further away, it may have filled all its places with children who live nearer. It may have also offered places to children who had brothers or sisters already at the school or offered to children who had a stronger church connection if the school is a faith school.

Why has my child been given a place at a school I didn't name on the form?

Your child was considered for a place at all of your preferred schools but if there are more applications than places and your child cannot be offered a place at any of your named preferences, the Local Authority must offer a place at an alternative school. The school offered will normally be the nearest one to your home that has available places once all other applications have been considered.

What can I do now?

You will have found enclosed with your offer letter, a waiting list form. You should complete this naming any or all of your preferred schools to ensure your

child is placed on the waiting list for the relevant schools. Alternatively, you can email the Admissions team with your request by writing to primaryadmissions@kent.gov.uk providing the child's details, including their Pupil ID and the school(s) waiting list(s) you wish your child to be placed on.

You need to do this by **Wednesday 6 May 2020** and can only name the schools that you expressed preferences for on your original application.

How will the waiting list work?

All children who are placed on a school's waiting list will be ranked in accordance with their oversubscription criteria.

Any offers which have been refused will then be reallocated to children on each school's waiting list on 10 June 2020. After this date, waiting lists will be returned to the schools and any further places that become available will be offered to parents directly by the schools.

What else can I do?

All parents have the right to appeal if they have not been offered a place at a school that they would prefer their child to attend. You can appeal for a place at any of the schools you named on your original application and were not offered. You can attend the appeal hearing in person should you wish to do so, but you cannot appeal for a school that you did not name on your original application.

You can also contact your Local County Councillor for further advice via the following link: <https://democracy.kent.gov.uk/mgMemberIndex.aspx?bcr=1> or by contacting Kent County Council on 03000 41 41 41.

In the Admission to Primary School 2020 booklet, the school pages shows each school's type. The schools are either Voluntary Aided, Foundation, Free, Academies, Community or Voluntary Controlled. You need to complete the appeal form ensuring that you place your child's full name, date of birth, their Pupil ID number from their offer letter or email and the name of the school(s) you are appealing for and return it to the appropriate person as follows:

Voluntary Aided, Foundation, Free Schools and Academies

C/O The Clerk to the Governors at the school

Community and Voluntary Controlled Schools

The Appeals Administrator,
Kent County Council, Democratic Services,
Sessions House, County Hall, Maidstone,
Kent ME14 1XQ

Email: appeals@kent.gov.uk

If you are appealing for more than one school, you may photocopy the form for each individual school and they must be received by the appropriate person by **Thursday 14 May 2020**. If you are emailing your appeal, please ensure that you name each individual school you wish to appeal for within your message. Appeal requests received after 14 May may not be heard at the same time as all other appeals submitted for the school.

If you are appealing for a school in another county or borough, please contact their Local Authority for information on how to lodge an appeal. Contact information for Kent's neighbouring councils or boroughs can be found within the Admission to Primary School 2020 booklet on page 29.

What will the panel consider at the appeal?

Primary Appeals can only be upheld in **very limited** circumstances. The law requires that an infant (ie a child in Reception Year, Year 1 or Year 2) should not be educated in a class which has more than 30 children per qualified teacher, so most appeals for admission to Reception at a Primary or Infant school will be 'Infant Class Size Appeals'.

In the admissions round for intake into schools in September 2019 only 2 infant class size appeals were upheld. Therefore parents will want to weigh the effort involved against their chance of success before embarking on an appeal.

By law, an Independent Appeal Panel hearing an Infant Class Size appeal must consider the following matters:

- a) whether the admission of an additional child/additional children would breach the infant class limit; AND

- b) whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; AND
- c) whether the admission arrangements were correctly and impartially applied in the case(s) in question; AND
- d) whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.

Put more simply, as well as checking whether giving another child a place will break the law, panels need to look at whether the admission arrangements for that school were legal, whether they were applied properly and whether in the circumstances it was reasonable not to offer your child a place.

What are the circumstances when a panel can uphold an appeal?

A Panel may only uphold the appeal 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 had not been 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) where 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.

Because of this framework, parents' personal reasons for wanting the school cannot be taken into account, so even if you feel very strongly that your child should have a place, you need to consider whether your appeal fits these grounds.

If you think the law has not been followed you should contact the admissions team (details below) before appealing, so that a thorough investigation can be carried out. If it is clear that a school's admission arrangements did not comply with the law or were not correctly and impartially applied, the local authority, in conjunction with the admission authority may offer places without an appeal hearing.

If you think the decision to refuse your child a place was not reasonable, check first why the place could not be offered. To agree an appeal on these grounds a panel must be satisfied that the decision to refuse to admit the child was 'perverse in the light of the admission arrangements' i.e. it was 'beyond the range of responses open to a reasonable decision maker' or 'a decision which is so outrageous in its defiance or logic of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it'. This is highly unlikely to be the case if the admissions arrangements were lawful and correctly and impartially applied.

It is likely a panel would consider it entirely reasonable for a child to be refused a place at their nearest school, if other children had greater eligibility for the places available, even if this results in you being offered a school some distance from your home.

What do I put on the appeal form?

You should list the reasons why you think your child should have a place at the school you are appealing for and provide as much evidence as you can. If you believe you or your child has a disability as defined by the Equality Act 2010 and this is relevant to your appeal, please tick the relevant box on the form and explain why you feel your application for a place at the school was not fairly considered.

Do I have to provide this information before the closing date of 14 May 2020?

It would be helpful to provide as much information as possible before your appeal is heard as the panel will receive copies of your appeal forms and any additional information prior to the hearing. If you are unable to provide the evidence with your appeal form by **Thursday 14 May**, it would be helpful if you send the additional paperwork as soon as possible after this. When you are given the date of your appeal, you will be given the latest date on which you can submit any further evidence.

It is not permissible to include any letters of support from a representative of the school you are appealing for or for them to accompany you to the hearing. Such support can create conflicts of interest and unfairness to other appellants.

Once I have submitted my appeal, what will happen next?

You will receive an acknowledgement of receipt of your form or email from Democratic Services or the school and will then be contacted by them once the appeal time, date and venue have been arranged. You will receive a copy of the appeal papers that will be presented to the independent appeal panel 10 days prior to the hearing date.

What happens at the appeal?

An appeal lets you explain to an independent panel of people your reasons for wanting your child to attend a particular school. The appeal also allows the Local Authority or school to advise the panel of the reasons why it was not possible to offer your child a place. After you and the Local Authority or the school have stated your cases, the appeal is over and the panel will make their decision in private. Their decision is binding on all parties and this will be advised to you by letter. Please do not ring Democratic Services to find out the outcome of your appeal as they will not be able to discuss this by telephone.

If I am going to appeal should I accept the place my child has been offered?

Yes. Accepting a place at the school offered will not affect your appeal and will ensure you have a school place in reserve if your appeal is unsuccessful.

All parents must accept or refuse their offered places by **6 May 2020** and if you refuse the place offered, your child could be without a school place.

Whilst there is no guarantee that your appeal would be successful, if it is, you must remember to tell the school you were originally offered that you no longer want the place. The place will then be offered to another child.

Who else can I contact for further advice?

You can email the Primary Admissions Team at primaryadmissions@kent.gov.uk or call 03000 41 21 21 between 9am and 5pm.

You can also contact your Local County Councillor for support. You can find out who they are by following the link: <https://democracy.kent.gov.uk/mgMemberIndex.aspx?bcr=1>

Or ring Kent County Council on 03000 41 21 21.