



# SCHOOL APPEAL FORM

## St Gabriel's Catholic Primary School

**PLEASE NOTE:** If you are appealing for more than one child or for more than one school please complete a separate form for each child and each appeal.

Please complete this form in black ink.

<b>NAME OF SCHOOL FOR WHICH YOU WISH TO APPEAL FOR A PLACE</b>		<b>YEAR GROUP</b>		
<b>CHILD DETAILS</b>	<b>Surname:</b>		<b>Forename:</b>	
	<b>DOB:</b>	<b>Male/Female</b> <i>(please delete as appropriate)</i>		
<b>School currently attending/last school attended:</b>				
<b>Date child left</b> <i>(if applicable):</i>				
			<b>Yes ✓</b>	<b>No ✓</b>
Is your child <b>'cared for'</b> by a local authority <i>(i.e. in public care)</i> ? If yes, please state which local authority and provide a contact number:				
Was your child <b>'previously cared for'</b> by a local authority <i>(i.e. in public care)</i> ? If yes, please state which local authority and relevant dates.				
Does your child have a <b>Statement of Special Educational Needs</b> ?				
Is your child <b>permanently excluded</b> from school?				

<b>Appellant's name:</b> (parent, guardian or carer) Mr/Mrs/Miss/Ms/Dr <i>(please delete as appropriate)</i>		
<b>Relationship of appellant to child –</b> <i>(please specify - parent/guardian/carer/other)</i>		
<b>Do you intend to be present at the appeal hearing?</b> <span style="float: right;"><b>Yes/No</b> <i>(please delete as appropriate)</i></span>		
<b>Have you any special requirements e.g. wheelchair access/hearing problems?</b> <span style="float: right;"><b>Yes/No</b></span> If yes please give details overleaf.		
<b>Current Address:</b>	<b>Address in Cheshire East to which you are moving:</b> <i>(if applicable)</i>	
<b>Postcode</b>	<b>Postcode</b>	
<b>E-mail address:</b>	<b>E-mail address</b>	<b>Date of Moving</b>
<b>Telephone contact numbers:</b>		

**For office use only**

Date received		Logged on system		Child's Catchment School		Passed to legal	
Confirm PAN reached		Acknowledgment sent		Presenting Officer		Processed by	



### RESPONSIBILITY FOR ADMISSIONS

The local authority (LA) is responsible for admissions to **Community Schools** and **Church of England Controlled Schools**. For **Academies, Free Schools, Catholic Schools, Church of England Aided Schools** and **Foundation Schools**, the school governing body is responsible for admissions and you should contact those schools direct for further information regarding appeals. **This guide applies to appeals against decisions on applications to community or voluntary controlled schools ONLY.**

### APPEALS PANELS

Appeals Panels have either three or five members. There are strict rules on who may and may not be a member of an Admission Appeals Panel to make sure that the Panel is independent and impartial. A Clerk to the Panel also attends the hearing. The Clerk is a legal officer of the Council who is there to see that the appeal is heard properly and to provide legal advice to the Panel. There may also be an administrator who attends to take notes.

### APPEALS HEARINGS

As the appeal process is a legal process, appeal hearings are formal hearings. However, Appeal Panels do try to keep appeal hearings as informal as they possibly can within the legal framework within which they have to operate. Appeal hearings are held, so far as possible, fairly local to your home town or area. First, the representative from the LA will explain why it was not possible to meet your request for a place at your preferred school. You can ask questions if you wish. The Panel will also ask questions. You will then have an opportunity to present your case and answer any questions about it from the Panel and the LA's representative. No other parents will be present when you present your own case. You do not have to attend although many parents choose to do so. The Panel will allow you to be accompanied by a friend or to be represented although Government advice is that legal representation should not normally be necessary and that children should not generally be allowed to attend appeal hearings. Whilst Appeals can be considered on the basis of your written information alone, the presence of a parent or representative at a hearing will enable the Panel to obtain more information about a child's circumstances than is contained in written information alone. Such information, which a parent may not have considered to be relevant when he or she filled in the Appeal application form or submitted documents in support of the Appeal, could have a bearing on the outcome of the Appeal. If you are unable to attend the Appeal then it is important that you send in as much information as possible about your reasons for wanting a place at the school concerned.

### POWERS OF APPEALS PANELS

Panels can uphold all appeals and instruct the LA to allocate a place for your child at your preferred school. They can uphold some of the appeals and reject others and they can also reject all the appeals.

Once all the appeals have been heard Panels must first decide whether further admissions to the preferred school 'would prejudice efficient education or the efficient use of resources'. Prejudice cannot normally be proved until the year group your child would enter is full. This means that the year group has not only reached its admission limit but cannot accept any more pupils in that year group without prejudicing the provision of efficient education at the school or the efficient use of resources. The LA will provide a statement giving their reasons why they consider that to accept further pupils would cause prejudice to the school.

If the Panel believes that the school can admit all the pupils whose parents have appealed without causing prejudice your appeal will automatically be upheld. The Panel may decide that places can be allocated to some of the appellants before the point is reached when further admissions will cause prejudice. The Panel will decide how many more places can be offered. Any such places will be allocated by the Panel according to factors in the individual case.

If the LA's case that further admissions will cause prejudice is accepted by the Panel (either as presented or after some further places have been allocated) the Panel will then proceed to the second stage.



This requires panel members to balance your own arguments in support of your child's admission against the extent of prejudice to efficient education and the efficient use of resources which it considers would be caused by the admission of further pupils. If the Panel believes that your child's circumstances outweigh the extent of the prejudice to the school your appeal will be upheld, otherwise your appeal will be declined.

### **APPEALS INVOLVING INFANT CLASSES (RECEPTION, YEAR 1 AND YEAR 2 CLASSES)**

There are different rules for appeals for places in some infant classes where the majority of pupils are aged seven or under. The law requires that, apart from some very limited exceptions, infant classes must not contain more than 30 pupils when taught by a single school teacher. Any admissions that would increase a class to more than 30 pupils would require the school to take what are called 'qualifying measures', such as organising an extra class, appointing an additional teacher, providing an additional classroom or introducing or extending mixed age group teaching.

When the LA can show to an Appeals Panel that any further admissions would require qualifying measures, your appeal could only be upheld if the Independent Appeals Panel decided either that a mistake had been made in the allocation of places according to the admissions criteria and had the criteria been applied correctly your child would have been offered a place, or the child would have been offered a place if the admission arrangements had been lawful i.e. did not contravene to the mandatory provisions in the School Admissions Code, or that the decision not to offer your child a place was 'unreasonable' in the circumstances of the case. 'Unreasonable' as defined by the Courts is construed as being perverse or irrational and is a very high threshold for an appeal to be successful.

### **TIMESCALES**

Appeals for Secondary Transfer into Yr 7 are normally held between May to July each Year. Appeals for Reception received by the closing date are heard within 40 school days. Other Appeals are normally heard within 30 school days (excluding school holidays) from the date the completed appeal form is received. You will be given the date and time of the appeal hearing two weeks in advance of the hearing and the LA's statement of its case will be sent to you one week in advance. You will normally be notified of the Panel's decision in writing no later than 5 working days of the hearings being completed.

### **DECISIONS OF APPEALS PANELS ARE FINAL AND BINDING ON BOTH THE LOCAL AUTHORITY AND SCHOOL.**

### **SOME FURTHER INFORMATION ABOUT APPEALS**

- **Repeat appeals** – will not be considered within the same school year unless your own or the school's circumstances have changed significantly and materially since your first appeal (e.g. change of address).
- **Appeals for more than one school** – will be considered at separate hearings. You may appeal for each school at which a place has been refused.
- **Further steps** – if your appeal is not upheld and you consider there has been 'maladministration' in the way your appeal was handled you may complain to the Local Government Ombudsman.
- **More information** – A full guide to the appeal process can be obtained on the Council's website at [www.cheshireeast.gov.uk/schools](http://www.cheshireeast.gov.uk/schools). Alternatively, you can contact the Council by telephoning 0300 123 5012. Parents can also seek advice from the Advisory Centre for Education (ACE) in London which is a voluntary body providing a helpline advice service to the parents on education matters. The telephone helpline number is 0808 800 5793.

**If you decide to appeal you are strongly advised to seek a place at an alternative school in case your appeal is unsuccessful.  
Securing a place at an alternative school will not prejudice your right of appeal for any other school.**

## **INFANT CLASS SIZE ADMISSION APPEALS and INFANT CLASS SIZE LEGISLATION**

(The Education (Infant Class Sizes) (England) Regulations 1998)

**In 2013, following unsuccessful applications for admission to Cheshire East's reception classes, a total of 78 'Infant Class Size' appeals were heard by Independent Appeals Panels.**

**Only 2 of the appeals were successful. Why?**

Please read this information carefully before deciding whether or not to lodge an appeal for admission to your preferred infant/primary school.

**Statutory limits on class sizes mean that, subject to certain limited exceptions, infant classes of 5, 6 and 7 year olds may not contain more than 30 pupils with a single qualified teacher.**

Therefore, if you have been refused a place at your preferred school because the school is full and the statutory class size limit applies to that school, there are very limited circumstances in which an independent appeal panel can allow further admissions and these are as follows:

- a) the child would have been offered a place if the admission arrangements had been properly implemented;
- b) the child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code and the SSFA 1998 and/or;
- c) the decision to refuse admission was not one which a reasonable admission authority would make in the circumstances of the case.

In relation to **a)** under these grounds, the panel have not only to decide that the admission arrangements were implemented properly, but also that your child (and not any other) would have been offered a place if they had been.

In relation to **b)** the panel can only uphold the appeal in cases where it is clear that the child would have been offered a place if the admission arrangements had been in compliance with the mandatory provisions in the School Admissions Code and the SSFA 1998.

In relation to **c)** in order for the panel to determine that an admission authority's decision to refuse admission was unreasonable, it will need to be satisfied that the decision to refuse to admit the particular 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 of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it'.

(To be read in conjunction with "*Admission Appeals - a brief guide for parents/carers*").

If you wish to appeal on one of the above grounds, you must complete an appeal form, forms are available at: [www.cheshireeast.gov.uk/admissions](http://www.cheshireeast.gov.uk/admissions)