



Admission Appeals Timetable and Procedures 2020/21

Person responsible: Head teacher

Ratified by the governing body: Spring 2021

Date for review: Spring 2022

A handwritten signature in black ink, appearing to read 'Anne Marie Renshaw', is positioned below the text.

Reverend Anne Marie Renshaw
Chair of Governors

Admission Appeals - Guidance

All information regarding an appeal can also be found online at:

<https://www.essex.gov.uk/after-your-school-offer/appeals>

The following information has been provided to give parents a brief overview of the Admission Appeals Process, together with some more specific notes designed to help parents in completing the Notice of Appeal Form attached at Appendix 1.

If your child has been refused a place at your preferred school by an Admission Authority you have the statutory right as a parent/guardian to appeal to an Independent Appeal Panel. New Hall Multi-Academy Trust is the Admissions Authority for Messing Primary School. An "Admission Authority" is the body that is responsible for the admission of pupils to a school.

Essex County Council administers Admission Appeals on behalf of the New Hall Multi-Academy Trust (NHMAT). Parents need to send the appeal form (Appendix 1) directly to The Statutory Appeals Officer at the Local Authority (PO Box 11, Chelmsford, Essex CM1 1LX Tel: 01245 430447). The Local Authority will then co-ordinate with the NHMAT on dates for the appeal and the appeals process. The Statutory Appeals Service will provide the venue, the clerk and the panel, and distribute the NHMAT papers. New Hall Multi-Academy Trust will ensure they provide a Presenting Officer for any appeals hearings.

Your full rights are set out in the School Standards and Framework Act 1998 and associated Codes of Practice.

Please note that you may only appeal for your child to be admitted to a particular school if you have submitted a formal application for a place at that School and you have received a letter confirming that your child has been refused a place. Otherwise your appeal will not be valid.

Appeals Timetable

Appeals Timetable for Children Starting School in September 2021

Appeals timetable for children starting infant/junior/primary school from September 2021 onwards

16 April 2021	National Offer Day – parents informed of outcome of application
18 May 2021	Deadline by when appeals should have been lodged
June 2021 –July 2021	Appeals heard for those lodged by deadline and where possible for late appeals

Appeals in relation to mid-year (in-year) transfer applications are required to be lodged within 20 school days of being refused a place.

What is an Independent Appeal Panel?

The role of the Panel is quite specific as it may only consider the case put forward by the Admission Authority for refusing to admit a child and the parents' case for wanting your child to be admitted to the preferred School in question. The Panel can either refuse or allow your appeal. It has no other powers. The Panels' decision is binding on the School, Admission Authority and the appellant. It is made up of three people; who have no connection with the School, the Admission Authority, the school admission process, or the parents.

The Appeal Hearing and the Decision

All appeals are determined by a Panel at a meeting called a “hearing”. The hearing will take place during the daytime at an independent venue.

You are encouraged to attend the hearing to put your case for wanting your child to be admitted to the School. In practice you will have the opportunity to expand on your written grounds for appeal and why your child should be admitted despite the year group being full (or the particular circumstances in which a School may refuse a place when the year group is not full). It is recognised that parents may find attending an appeal hearing a worrying experience. There are formal procedures that must be followed for the hearing. However, Panel Members do understand the stressful position that appellants may experience in putting their child’s case, and will try to conduct the hearing as informally as possible so that the child’s case can be explored fully.

If you choose not to attend the hearing, your child’s case will be based solely on the written grounds of appeal that you set out in your appeal form. If you indicate that you will attend the hearing, but fail to do so without a reasonable explanation, the Panel is likely to hear the case in your absence based on the written grounds of your appeal. Hearings are only adjourned in exceptional circumstances.

The hearing will be in two main parts. The first part will focus on the Admission Authority putting its case for refusing admission to the School, and then the Panel and you (or your representative) may ask questions about that case for refusal. The second part will focus upon you presenting your child’s case, and then being asked questions by the Panel and the Admission Authority. Both parties are then given the opportunity to summarise their cases.

Sometimes there may be several appeals for a popular school, and the hearing format will be slightly different. The Admission Authority will present its case to all the parents at the same time. At this “group presentation” no questions about an individual child’s case will be allowed as such questions will be addressed at that child’s hearing. However, Panel Members and parents will be able to ask the Admission Authority about its case. The individual hearings will be arranged separately either a few days later if there is an evening presentation, or later the same day if it is a day presentation.

When the hearing has been completed, both the Admission Authority representative and you will be asked to leave before the Panel determines your appeal. **A decision will not be communicated on the day of the hearing.** Once the Panel has reached its decision, it will be sent to you, the Admission Authority, and the School, ideally within 5 school days of the hearing. This decision is legally binding on all parties. Where there are a large number of appeals held over several days, you will not receive a decision until all the individual cases have been heard. The 5 school days applies from the date of the last appeal heard.

Standard Appeals

The Panel decision will be taken in two stages. At the first stage, it must be satisfied that the Admissions Policy of the School has been applied correctly and that the admission of a further pupil or pupils to the School would result in prejudice to the efficient education or the efficient use of resources. If the Admission Authority’s case has been considered at a group presentation the Panel will reach a provisional view at that point before hearing all the individual cases.

If the Panel decides that the Admission Authority has not made out a case for prejudice it can do two things. In the case of an individual sole appeal for a school it must uphold the appeal. For multiple appeals for the same school it must decide, if applicable, at what number of admitted pupils such prejudice would arise and then it must consider the admission criteria and other factors and admit children from those appealing up to that number. Only then will the Panel carry out the second stage of the process.

If the Panel is satisfied that any further admission would result in prejudice then it will proceed to the second stage of the decision process. It must balance the prejudice to the School identified at the first stage against the

reasons for the individual parent's preference. The Panel must decide whether the parents' case for their child to attend the school outweighs the prejudice caused by admitting an additional pupil.

Infant Class Size Appeals

With specific reference to the Reception Year, Year 1 and Year 2 your child may have been refused a place on the grounds of 'infant class size prejudice', which will be indicated in the letter of refusal. This relates to the fact that the law requires that infant classes containing a majority of 5, 6 and 7 year olds may not normally contain more than 30 pupils with a single qualified teacher. Under these circumstances the Panel is restricted by the law in its consideration of appeals for admission to infant classes.

The Panel must consider all the following matters:

- a) whether the admission of an additional child/additional children would breach the infant class size limit;
- b) whether the admission arrangements (including the areas 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;
- c) whether the admission arrangements were correctly and impartially applied in the case(s) in question;
- d) whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.

An appeal panel can only allow (uphold) an infant class size appeal if:

- it finds that admitting an extra child would not breach the infant class size limit; or
- 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 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 threshold for a panel to decide a refusal was unreasonable is high. It needs to be satisfied the decision by the admission authority was 'perverse' or 'outrageous'.

Reasonableness is defined in the Code, which makes it clear that the Panel will need to be satisfied that the decision to refuse a place was perverse in the light of the admission arrangements (ie 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").

This means that the Panel is limited in its powers to uphold appeals where the refusal of a place is based on infant class size prejudice.

How to Appeal

If you wish to appeal against the refusal of a place at Messing Primary School, the school has chosen to buy into the Statutory Appeals Service and in this case you can use the online form a <https://www.essex.gov.uk/Education-Schools/Schools/Admissions/Pages/Appeals.aspx> or alternatively download the paper form available on the same website. This needs to be returned to the address given on the form to

arrive no later than 20 school days after the date of your refusal letter. In the case of normal admission round appeals (ie Year R/Year 3 starting in September) if your appeal is received later than this date it may not be heard before the end of the summer term. If it is for a mid-term transfer appeal you are advised to return the form as soon as possible, and within 20 school days after the date of your refusal letter.

Appeals are not usually held during school holiday periods.

Finally if you wish to appeal against the refusal of a place at a school in another Council area outside of Essex County Council boundaries you should contact that Council in the first instance.

Appeals against a decision not to uphold a request for children to be educated out of their normal age group.

Parents do not have a right of appeal if they have been offered a place and it is not in the year group they would like. They may however make a complaint, using the school's complaints procedure, about the admission authority's decision not to admit a child outside their normal age group.

If they are unhappy with the way an academy has handled their complaint they may complain to the Education funding agency who will consider the complaint on behalf of the Secretary for State for Education.

Further Information

If you wish to find out any more detailed information on the appeals process, please refer to the School Admission Appeals Code (February 2012 edition) which is available on the Department for Education website - www.education.gov.uk. The Code contains information on the statutory requirements that underpin the appeals process, which you may find helpful in lodging your appeal.

PLEASE NOTE:

Parents who have appealed unsuccessfully can reapply for a place at the same school in respect of a later academic year and have a further right of appeal if that application is unsuccessful.

Parents do not have a right to a second appeal in respect of the same school and the same academic year, except in the following circumstances:

a) The Admission Authority agrees to arrange a second appeal because there were faults in the first appeal which may have significantly affected the outcome e.g. the appeals process was not properly conducted or significant evidence which had been submitted was not forwarded to the Panel (this may be on the recommendation of the Local Government Ombudsman or the Education Funding Agency or because the Admission Authority decides to do so on its own initiative); or

b) The Admission Authority accepted a further application because of a significant and material change in the circumstances of the parent, child or school, but has determined that the new application should also be refused. For example is where the Admission Authority may wish to consider a fresh application due to changes in circumstances since the original application was made (for instance medical reasons, the 2family has moved house, or any other factor which would affect the level of priority given to the application).

Notes on Completing the Notice of Appeal Form

The following notes correspond with the “Note” numbers indicated on the Notice of Appeal Form and will assist you in completing the form:

Note 1 – School for which you are appealing

Please identify the school you are appealing for. If you intend to appeal for more than one school, you must use a separate form for each school.

Note 2 – Term in which you wish your child to start school

Please identify the term that you wish your child to start school

Note 3 – Home Address

It is essential that you insert your correct current address to ensure that all the necessary paperwork on your appeal can be sent to you. If you are moving house during the course of the appeal process, please keep the Clerk informed so that all correspondence can be addressed to your current home to avoid any confusion and delay.

If you are moving to a new home and are appealing for a new school, please set out this information in the section on ‘Grounds for appeal’.

Note 4 – Representation

As explained above all appeals are determined by a Panel at a hearing. You have a choice in the way that your case is submitted to the Panel. Please ensure that you complete all the boxes in this section to avoid delays in your case being determined by a Panel.

In addition to submitting your appeal form you have the right to attend your appeal hearing and present your case to the Appeal Panel. It is strongly advised that you attend the hearing because it will assist the Panel to gain a better understanding of your case. By attending you will have the opportunity to expand on your own reasons for wanting your child to attend the particular school, and the Panel will be able to seek any additional information from you that will help to inform its decision on your appeal.

If you are unable to attend a hearing or do not wish to do so, you may agree to your appeal being considered on the basis of your written representations. This means that the Panel will consider the information set out in your appeal form together with any additional information you may submit to reinforce your grounds for appeal. The Admission Authority will still attend the hearing and present its case to the Panel. If you choose this option you will not be informed of the appeal date. Nevertheless it will be considered by a Panel at the earliest possible opportunity.

If you have concerns about putting your case in person and do not want to rely on your written representations, you may elect for a friend or representative to put your case on your behalf, or ask that he or she accompany you to the hearing. Please indicate in the box provided the name and contact details of that person so that all the relevant information relating to the appeal may be sent to them. If your chosen representative is acting in a legal capacity please confirm that fact on the form.

Your choice of representative may include a Choice Advisor, a locally elected politician, or an employee of the Local Authority such as an educational social worker, SEN advisor or learning mentor, provided that this will not lead to a conflict of interest. It must not be an employee of the School or a member of the Admission Authority concerned.

(NB: If your representative is acting in a legal capacity, you are responsible for any costs incurred for such representation. Also if you choose to be legally represented then the Admission Authority may also have a legal representative.)

Please note that if you request the services of an interpreter at your appeal but then do not attend the appeal without good reason, the Statutory Appeals Office reserves the right to charge you for the cost to it of the interpreter attending that hearing.

Note 5 - Grounds of Appeal

The law requires that an appeal is made in writing, and it is important to bear in mind when completing this section that the evidence you provide to support your case will be very important as the Panel will use the information to come to a decision on your particular appeal. If you fail to complete this section, your form will be returned to you for completion before it can be accepted as a valid appeal and arrangements made for your case to be heard by a Panel.

Under the grounds of appeal it is your opportunity to explain in some detail the reasons why your child should attend your preferred school despite the fact that a year group may be full. Please remember that the Panel will not be familiar with the particular circumstances of your child and therefore you need to set out any information that you feel may be relevant to support your case. If you identify any reasons for having a preference for a particular school that can be supported by written evidence, please enclose a copy of that evidence with the appeal form as it may reinforce your argument.

On a general note, if you have identified a medical condition or experience of bullying as important factors for wanting your child to be admitted to your preferred school and have any written evidence to support your case, it would be preferable for you to submit it before the appeal hearing. The type of evidence that a Panel may find helpful will include:

Doctors' letters and evidence of appointments;
any details and correspondence about particular bullying problems and any action taken to try to resolve them;
and written evidence of any Police involvement.

If you have attached additional pages, please ensure that all information is on A4 size paper.

Please note that without written reasons your appeal cannot be processed. Therefore, failure to complete the "Grounds of Appeal" section will result in the form being returned to you.

Appendix A

NOTICE OF APPEAL FORM

Send to STATUTORY APPEALS OFFICER, PO BOX 11, CHELMSFORD CM1 1LX

Statutory Appeals Team cannot be responsible for forms lost in the post.

What happens to my information?

Essex County Council will use the information you provide to process your application, and contact you regarding it. Your information will not be shared with others unless required to do so by law. For more information explaining how we use your information please see our [privacy policy](#).

Child's full name	
Date of birth	
Sex of child	
School you are appealing for a place at	
Term you are looking at for your child to be admitted	
Appellant's name(s)	
Address for correspondence to be sent to (including post code)	
Telephone contact numbers	(h) (m)
E mail address (can be work or home but the one you use most)	

Representation – please indicate YES only in those boxes that apply to your case

I/We will be attending the appeal to make oral representations (written grounds still required)	
I/We are submitting these written representations only and will not be attending the appeal	
I/We have asked a representative to present the case on my/our behalf If YES please fill in details below	
I/We will be present to accompany our representative	
I/We are agreeable to receiving less than 10 school days' notice of the date of the appeal hearing (may be possible on occasions)	
Will you require the services of an interpreter at this appeal? and if YES, in which language?	
Name, address and status of your representative (if applicable)	

Are there any special requirements you or your representative have which we need to be aware of?

Grounds of appeal

You must complete this section. Failure to do so will result in your Appeal Form being returned to you.

Signed.....

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Date.....

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If there is not enough space on this sheet please continue on additional sheets of A4 size paper, and number and initial the foot of each page please.

Primary School Admissions Appeals – Frequently Asked Questions

1. **How do I appeal?**

As we have bought into the Local Authority Appeals Service, you should complete the enclosed notice of appeal form and return it to the address on the form.

2. **What do I need to put for my grounds of appeal?**

You must give your reasons for why you want a place at the school for your child. The School Admissions team and the Statutory Appeals team must not tell you what you need to write.

3. **What happens after I send the appeal form in?**

The Statutory Appeals team will write to you confirming the date and time of a hearing to take place, which you will be entitled to attend (unless you have asked for your appeal to be heard on your written representation only).

4. **What happens at the hearing?**

In short, a representative for the school will explain why a place has been refused. You will then have the opportunity to ask questions and give your case as to why you feel a place should be provided. The independent appeal panel will consider the information provided and then make a decision as to whether a place should be offered or not, which will be sent to you in writing, ideally within 5 school days of the hearing.

Whatever the appeal panel decides is binding on the school and appellants.

5. **What is an Infant Class Size appeal?**

The following information is only relevant for appellants considering appealing for a place at an infant or primary school in Years R, 1 or 2.

If you have been refused because of the statutory limit on infant class sizes (your offer/refusal letter will indicate if this is so), then your chances of being successful with an appeal are limited. The appeal panel can only uphold your appeal in very limited circumstances. Please refer to the guidance on pages 2-3 of this document. You should consider this information carefully before submitting an appeal where the refusal is based on infant class size legislation.

Contact the Statutory Appeals Team

Get in touch if you need to cancel your appeal, amend any contact details already given or submit any supplementary paperwork by post.

Email: statutoryappeals@essex.gov.uk

Statutory Appeals Team
PO Box 11
Chelmsford
Essex, CM1 1LX