



Norfolk County Council

School Admission Appeals

A Guide for Parents appealing for a place in an Infant Class

What are my rights?

As a parent you have a right to say which school you would prefer your child to go to. This is not the same as having the right to choose which school your child goes to.

The Children's Services Department must offer your child a place at the school you would like them to attend **unless** it can show that the class you would like your child to join already has thirty pupils.

According to the law (the School Standards and Framework Act 1998), an infant class may have a maximum of thirty children. If your child were to be accepted, the school would have to employ an extra teacher or build an extra classroom to keep the class size to thirty children or less.

Infant classes are ones in which most of the children will become aged five, six or seven during the school year (i.e. Reception Year, Year 1 and Year 2).

If your application for a place has been turned down you have the right to appeal against that decision to an independent appeal panel.

Your right to an appeal is set out in Section 86 of the School Standards and Framework Act 1998.

How are independent appeal panels set up?

Panels are set up under Schedule 24 of the School Standards and Framework Act 1998. They are usually made up of either three or five people selected as follows:

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| At least one Lay Member | - Someone who is not directly connected with the Council, or with any of the Council's Schools, unless as a volunteer. |
| At least one person with knowledge or experience of education | - Someone who has experience in education; or who is familiar with schools in Norfolk; or who is a parent of a child at a school (though they cannot be parents of a pupil at the school concerned in the appeal). |

The remaining panel member(s) will be from either of the above categories.

The independence of Appeal Panels

The law says that Panels must be independent, and there are many ways that we can show this. For example: -

- They are not paid.
- They do not report to, nor are they responsible to, the County Council.

- They must work within the statutory Code of Practice on School Admission Appeals.
- Members do not sit on Panels where they have a conflict of interest.
- Parents and education representatives are not present when a Panel makes its decisions.
- The decision of the Panel is binding on both Children's Services and the parents.

What powers do the Appeal Panel have?

The appeal panel can either refuse or allow your appeal.

The appeal panel cannot: -

- attach any conditions if it allows your appeal.
- hear complaints or wider objections about local admission policies and practice.
- make Children's Services to change your position on the waiting list for the school.

The role of the clerk

The clerk is not a member of the panel but has an important role to play in ensuring that relevant facts are established and that the appeal hearing is fair.

The clerk will be properly trained.

The clerk's key tasks are to:

- explain the basic procedures to parents/guardians and deal with any questions they may have.
- make sure that the facts are presented.
- make sure that the appeal runs smoothly.
- be an independent source of advice on the way the appeal is run.
- write notes of the meeting, decisions and reasons.
- tell all parties of the panel's decision.

What is the role of the Children's Services Officer at the appeal hearing?

The Children's Services officer is not involved with the decision-making process of the appeal hearing in any way.

The Children's Services officer is responsible for preparing the case stating why a place cannot be offered to your child at your preferred school. They will present the case on behalf of Children's Services and answer any questions raised by you, other parents and the panel members.

The Children's Services officer may ask you questions about your reasons for appealing.

How do I prepare for the Hearing?

Normally, at least seven days before the appeal hearing you will be sent a full set of papers which will include: -

- The case for Children's Services stating why your child has been refused a place at the preferred school.
- Your appeal form and/or letter.
- Relevant correspondence between yourself and Children's Services.
- Papers you have supplied to support your appeal.

This information will be sent to the Panel and the Clerk.

We would strongly recommend that you attend the hearing and, if you wish, you can bring a friend or representative.

You must provide all the evidence that you want the Panel to consider. If some of your reasons involve for example, medical issues or a house purchase, it would be helpful if you could provide written evidence to support your case. Please note that infant class appeals (i.e. Reception Year, Year 1 and Year 2) have very limited grounds upon which an appeal may be allowed.

If you wish to give any further evidence at the hearing, you should send it to the Appeals Administrator, Admissions Section, Children's Services, Floor 8, County Hall, Norwich, NR1 2DL. Please forward any information as soon as possible. If you are not able to send your additional evidence in time then the Panel should be able to look at it if you bring it to the appeal meeting. If you can, please bring several copies. It is much better to get all the information in support of your appeal to the Panel before the meeting because if your evidence is lengthy, the Panel may have to stop the meeting to consider it.

Who attends the hearing?

- The Panel (3 members).
- A Clerk appointed by the Chief Executive's Department of the Norfolk County Council, who takes notes of what is said and gives the Panel legal advice.
- A Presenting Officer from the Children's Services Authority's Admissions Department.
- Sometimes an observer will be present. This may be someone who is training to be a panel member, appeal clerk or a Children's Services Authority Officer.

Do I have to attend the hearing?

You do not have to attend the appeal meeting, as the Panel will consider your case based on what you've written in your notice of appeal. However, it is better if you do attend as the Panel may have important questions to ask which could affect the result. If you are unable to go yourself, you may wish to ask a friend or a relative to go on your behalf.

What happens if I cannot attend the appeal hearing?

The appeal will be heard in your absence and the panel will make the decision based on the written information you have already submitted.

What happens at the appeal meeting?

The members of the Panel will be introduced and the Chair will explain what is going to happen.

Generally, the meeting will run as follows: -

1. The Presenting Officer from Children's Services will explain the reasons for the decision not to allow your child to go to your preferred school. Below is the legal definition of what they must prove:

“admission is refused on the grounds that it would cause prejudice as a result of qualifying measures which would need to be taken to comply with the duty to limit infant class sizes”.

2. Questions to the Presenting Officer by the Panel and you if you wish.
3. The Panel will decide whether the Admissions Authority has proved that Infant Class rules apply.
4. You will be asked to state your reasons why you prefer your child to go to the school. Remember that the Panel can only allow your appeal if you can prove one of the **three legal reasons** below:
 - a) the admission of additional children would not breach the infant class size limit; or
 - b) the admission arrangements do not comply with admissions law or were not correctly and impartially applied and your child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
 - c) that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case. (In this case the threshold for finding that an admission authority's decision to refuse admission was not one which a reasonable admission authority would have made is high. The panel will need to 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 of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it.)
5. Questions to you by the Panel and the Presenting Officer.
6. You can sum up your case. This means that you have a chance to bring together the main points that you have already made.

You and the Children's Services representatives leave so that the Panel can make a decision.

The hearing is likely to last for about thirty minutes, although no specific time scale is set.

If there is more than one appeal for the same school, there will be two stages to the appeal. In the first stage the Children's Services Presenting Officer will explain the reason for the decision not to allow your child to go their preferred school because of the infant class size legislation. They can be questioned by you and the Panel. The Presenting Officer and you then leave the room so the Panel can decide if Children's Services have proved their case.

If the panel decides that Children's Services have proved their case, the appeal moves to a second stage. This is where you explain the reasons why you prefer your child to go the school. There are still only three reasons which can be used – see above.

What happens after the appeal?

After the hearing the Panel meet in private to make their decisions. The Clerk is also present to record their decisions. Once the decisions have been made the Clerk will let the Appeals Administrator know the results.

They will try to let you know the outcome of your appeal, by telephone or email, as soon as possible (this is often on the same day as the appeal hearing). You will also receive written confirmation of the decision within a few days. The decision letter from them will give the reasons the Panel gave for their decision.

Do I have any further right of appeal?

The decision of the Panel is binding on the Admissions Authority, the school and the parents.

If you believe that the appeal hearing was not properly conducted – this is called maladministration. In this case, you can complain to the Local Government & Social Care Ombudsman. This is not a right of appeal against the decision, as the Ombudsman can only investigate complaints about maladministration on the part of the appeal panel.

If you wish for details about complaining to the Ombudsman please speak to the Appeals Administrator on (01603) 224388.

The only way to challenge a decision made by the Appeal Panel is to apply for a judicial review of the decision. If you wish to consider this course of action you should seek independent legal advice as soon as possible as normally there is a time limit.

Do you have any good tips on how to make my appeal?

Our advice is: -

- Make sure you understand how the appeal will run and understand the limits imposed by Infant Class Size legislation .
- Make notes of any questions you may have about the appeal.
- Make sure that you have looked at all the papers before the appeal.
- Decide what you would like to say when the panel invites you to give your reasons – it might be helpful to make a note of the main points.
- Attend your appeal meeting if possible.

Further Information

If you have any queries please do not hesitate to contact the Appeals Administrator on (01603) 224388.

The Department for Education has produced a booklet “Primary and Secondary School Admissions and Appeals: A Guide for Parents” which is available from www.teachernet.gov.uk/publications or by phoning 0845 6022260 and quoting reference 00160-2008BKT-EN.

Parents can contact the Advisory Centre for Education (ACE) Ltd, which is an independent national advice centre. They provide clear advice and information particularly for parents on admission appeals through a national advice line and a wide range of publications. Especially helpful is a booklet called “Appealing for a School”.

ACE can be contacted on 0300 0115 142. Monday to Wednesday (10.00am–1.00pm). Their website address is www.ace-ed.org.uk

We hope that you have found this guide helpful.

If you would like this document in large print, audio, Braille, alternative format or in a different language please contact Children’s Services on (01603) 224388 and we will do our best to help.