

The process for a child or young person without an Education, Health and Care Plan should parents /carers (parents) wish to appeal for a specific school place.

Parents do not have the right to choose a school. However, **you do have the right to state a preference** for a place in any maintained school or Academy, admissions authorities must make arrangements for parents to express their views. If a change of school is requested at any point, or if parents move into a new area, they must be allowed to state a preference.

The Local Authority (LA) is the admissions authority for Community and Voluntary Controlled schools, but for Academies and Voluntary Aided schools this will usually be the Governing Body of each school.

The Application Process

If, after following the application process set out in the Local Authority Guidance for admission to a school via the normal admissions round or as an in-year admission, you have been unable to secure a place at your preferred school you have the right to appeal that decision.

Admission Limits

Each school/academy has a Published Admission Number (PAN) i.e. the maximum number of pupils the school will admit to any year group. This is usually a multiple of 30. Once a school has reached its PAN it is no longer obligated to admit any more pupils unless directed by an Independent Appeal Panel. Schools and Academies will also list their oversubscription criteria in their prospectus.

If the number of applications is greater than the school limit your application can be refused if:

- The school is full of children who have a stronger claim on the place than yours in accordance with the admission criteria
- It is a church school and you do not meet its religious admission criteria
- It is a school that is wholly or partly selective by ability or aptitude and your child has not met the entrance requirement

The Appeal

If you fail to get into a school of your preference, you have the right to appeal. This rule does not apply to children with an **Education, Health and Care Plan (EHC Plan)**. If your child has an EHC plan you may find it helpful to refer to Factsheets such as:

[**Choosing a School**](#)
[**Education Health and Care Plans**](#)
[**Appealing to SEND Tribunal**](#)

In the event of your child not being granted a place in the school of your choice, you can appeal against the decision to an independent local appeal committee. These committees have the power to decide an appeal on its merits one way or the other having heard the arguments put to them by both sides. Their decision is binding. If you intend to appeal, you should give notice without delay by writing to the LA or School directly.

Making a Case

It is in your interest to attend the appeal hearing. If you are not present, the appeal committee will decide your appeal on the basis of what you have put in writing and any other information which is available. This is often referred to as the **Parental Case**. You will usually be allowed to take a friend or advisor with you to the appeal session if you wish. There are organisations which can offer representation, usually for a fee. If you want to be represented, you should inform the clerk before the hearing.

SENDIAS does not have the capacity or remit to do this work but below are some top tips for preparing your parental case.

Reasons which might be appropriate could include:

- Medical or social reasons why this is the best school for your child
- Your child has a special educational need (SEN) which make this the best school for them. Bear in mind that all schools should meet the need of children with SEN
- There may be a history of bullying from children who will be going to the allocated school
- A sibling or other family members are attending or have attended the school.

- Try to get supporting written evidence for what you say. Letters from the current school Head Teachers or Class Teachers can help verify academic interests; those from youth workers/sports coaches etc. show interests which may be relevant. Any medical needs should be documented by a letter from GP or specialist, who may also help with documenting special social needs. Do you have any letters or emails for example to demonstrate that bullying has been a problem?
- Try to match up what you say with what you know of the school through their prospectus, open evenings, school profile etc.
- Remember to list all the reasons why this school is the very best fit for your child – panels will not infer or guess the reasons.
- How will your child be affected if they do not gain a place at this school?

It is strongly recommended that you visit both the school you have been allocated and the one you are appealing for, so that you can make an informed argument.

Remember, you are appealing FOR a school rather than against the one you have been allocated. Try to concentrate on what the school you want can offer your child which they cannot get elsewhere.

The Hearing

The hearing must be held in private and is kept as informal as possible. The chair or clerk will introduce everyone and explain the procedure for the hearing.

The result of your appeal will depend on the strength of your case. In most admissions appeals, the panel goes through two stages.

In the first stage, the panel hears the case put by the admission authority, explaining why it did not offer you a place at your preferred school. The panel decides whether there was a good reason for turning down the application (the phrase sometimes used is “whether the admission would be prejudicial to efficient education or the efficient use of resources”). An example might be where the school has very small classrooms and couldn’t fit your child in without making the space too cramped for good teaching and learning.

If the panel does decide there was a good reason for turning down your application, it will begin the second stage of the appeal, where the panel hears your parental case, and why you are appealing against the decision. The panel

then makes a “balancing judgement” and decides whether the benefits to your child going to that particular school outweighs the detrimental effects on the school and the other children of having one more pupil in the class. If the appeal

panel decides that your case is stronger it will uphold your appeal and the admission authority is then under a duty to admit your child to the school. The decision of the appeal committee is binding on the admission authority and if you win your appeal, you must be given a place at the school.

Different rules Applying to the Admission of Children to Infant Classes

There is a statutory limit of 30 children in all Key Stage 1 classes (Children aged 5, 6 and 7).

In this type of appeal the appeal panel are only allowed to look at two points. The first is whether the admission authority kept to its own rules which were published in its admission arrangements. If the admission authority broke its own rules, either deliberately or by mistake, then your appeal can succeed, but only if your child would have been offered a place if the rules had been applied properly.

The second point is whether the admission authority acted reasonably. The law defines "unreasonable" very carefully in these cases. For the decision to be "unreasonable" it must be completely illogical, or not based on the facts of the case. The facts of the case include the published admission arrangements, the number of applicants, the number of classrooms in the school, and other factors to do with the school or the admission authority. The facts of the case do not include facts particular to your child or any special reason you might have for wanting your child to go to that school (the convenience of the journey between your home and the school, for example).

You are free to talk about personal factors at the appeal hearing if you want to, but in this type of appeal the appeal panel cannot take them into account unless they are relevant to one or other of the two things they are allowed to look at. If your appeal succeeds, the admission authority must offer your child a place at the school. If your appeal does not succeed, you can ask the school to put your child on their waiting list (if the school has one), as places sometimes become free after the start of the school year.

If you are unhappy about the way the appeal hearing was carried out, you could complain to the Local Government Ombudsman, who might recommend a new appeal.

Local Guidance

All relevant information can be found at:

<https://www.milton-keynes.gov.uk/schools-and-lifelong-learning/school-admissions/school-admissions-appeals>

This includes how appeals are being managed during the Covid-19 outbreak.