

FREQUENTLY ASKED QUESTIONS

The following questions are frequently asked and are there to help you with as much information as possible. All appeals are permitted to be heard using Video conferencing since 2020. Recording of the appeal is not permitted for any part of the hearing. It is strictly forbidden and will be considered as a serious breach of the panel's and clerk's Human Rights and a prosecution will follow.

When can I appeal?

You can lodge an appeal once the school has formally refused a place. For secondary school applications for Year 7 entry, the date is 1st March each year and for Reception places, it is 16th April each year. If the date falls on a weekend, it is the first working day after that date. ie. 1st March 2025 is Saturday, therefore, National Offer Day is Monday 3rd March 2025. You cannot appeal before these dates for point of entry appeals.

For Sixth Form appeals, you can appeal once you have your grades, and the school cannot offer you a place. Please note that you cannot appeal for specific subjects, only for a place at the school.

For in-year appeals (appealing for other year groups), you can lodge an appeal when the school refuses a place.

Can the school advise me about my appeal?

No, the school cannot usually advise you about what to write in your appeal as that would be limiting your reasons for the appeal. They can advise you about where to find the form and when the deadline date is to submit your evidence. This is also available on the form.

The school will not be able to disclose any information about your appeal. The school is not involved in the decision making process and is not involved in any aspects of the appeals process. They are present at the appeal to present their case.

When is the deadline to submit an appeal?

Each school has its own deadline. Please check on the form for the school you are appealing to.

What happens if I miss the deadline to lodge an appeal?

If you miss the deadline, the appeal will still be heard however, this date will be after all timely appeals have been heard and maybe in June/July or in the following academic year if it is received close to the end of term or after the schools break for the school holidays.

What evidence should I submit?

You may submit any evidence that you feel is relevant to your appeal. The Panel will consider all the evidence that is submitted. For grammar schools, this would usually include school reports reflecting academic standards, supporting letters from Headteacher/Class Teacher. Any medical evidence that has affected your child's

performance in the test or in the lead up to the test. Any specific evidence relevant to your child. The panel cannot make their own assessment of your child's ability.

Please do not send in past test papers, samples of schoolwork and photos or videos of your child as these will not be circulated.

The Clerk cannot write to your child's school, GP, or other professional bodies on your behalf. It is your responsibility to provide the information you wish to be considered.

Who sees my appeal form and evidence?

Forms and evidence are circulated to the school representative as well as each member of the Panel well in advance of the hearing to allow them to read through all papers. Any evidence submitted after the deadline date or on the day of the appeal may not be considered. Evidence submitted after your appeal hearing will not be accepted or considered. Please list all the evidence on your application that you are intending to submit.

Who are the Panel members?

The Panel members are volunteers who are independent of the school and have been trained in all matters relating to appeals in accordance with the latest Appeals Code of Practices and relevant statutory guidance. There are usually 3 Panel members comprising of a Chair and at least one from each of the following categories:

- a) Lay person (someone without personal experience in the management of any school or provision of education in any school (except as a school governor or in another voluntary capacity))
- b) Non-lay person (someone who has experience in education and who is acquainted with educational conditions in the local authority area)

What does the Clerk do?

The Clerk provides an independent and impartial service and is a legal point of reference. The Clerk makes the necessary administrative arrangements for the appeal hearing and notifies all parties of the order of the proceedings in advance of the hearings. The Clerk ensures that the papers are circulated to all parties in advance of the hearing. The Clerk keeps a record of the proceedings and stays with the Panel to record the decision that is made.

NEITHER THE CLERK NOR THE SCHOOLS REPRESENTATIVE ARE INVOLVED IN THE DECISION MAKING PROCESS.

What do I say in my appeal hearing?

Everything that you would like the Panel to consider should be submitted before the appeal. You may wish to present your appeal based on the submission and explain certain aspects of the appeal. You may prefer that the Panel ask you questions based on the submission. Any new information brought to the Panel on the day may not be considered. Please check with the Clerk when you join the Zoom meeting if you are unsure.

Please do not read out your case as the panel would have read this prior to the hearing. Pick out the main reasons and emphasise any specific points. The panel will make decisions on everything that you say and all the written information as well.

How long will my appeal last?

Each Appeal is allocated 20 minutes which is a guideline of how much time you have as multiple appeals will be heard. Appeals are timetabled and every effort is made to adhere to your allocated time, however there are occasional delays if previous appeals have taken longer than expected. All appeals are held in private with the panel, school representative and Clerk present.

Who should attend the appeal hearing with me?

It is usual for the parents/carers of the child to attend the appeal hearing. You may be represented or accompanied by a friend. Please inform the Clerk who will be attending the hearing in advance.

You may not bring a member of staff or a member of the governing body of the school that you are appealing to. If you do not wish to attend your hearing, you must notify the Clerk immediately and confirm if you wish to withdraw the appeal or if you prefer that the appeal is heard in your absence.

The appeal will be heard based on the written information submitted.

Should my child attend the appeal hearing?

The school admission code forbids any applicant from being interviewed for admission purposes. It is therefore not appropriate for children to attend hearings.

Where will the Appeal be held?

This year, all appeals will be held via Zoom videoconferencing. You will be notified of the time in advance of the Hearing and will be sent the login details and link. Once you join the meeting, you will be held in a waiting area until the panel are ready to hear your appeal. Please be patient while you wait. The Clerk will greet you and then bring in the school, followed by the panel members.

What is the process of the appeal hearing:

All appeals are held in two stages:

The school has a stage one hearing first which means that the school's case is presented with all appellants present. This will also be on Zoom and is only co-ordinated if there are a number of appeals for that particular school.

The school's case is sent to you prior to this and it is your opportunity to hear why the school cannot offer any more places. You may ask the school questions about the information that is presented as will the panel. You MAY NOT present your case at this point – you will be given the opportunity to present your case in private with the panel, the schools representative and the Clerk in the Stage Two hearing.

Stage Two is the presentation of your case. You state your reasons for appealing to this particular school. The panel and the school representative can ask you questions. At the end of the hearing, once all questions have been asked, the Chair usually does a summary of your case. If there is anything incorrect or anything further that needs to be said, you must say before the appeal closes. There will not be another opportunity to present your case again to the panel. The school will also summarise their case and the appeal then closes.

Each case is heard on its own merit. If the panel find there are a large number of appeals that should be upheld and the prejudice would be far too great to the school to admit all of the students, the panel will compare cases. This does not happen often as the number of successful appeals are very low.

Grammar School Appeals

Grammar Schools are the only secondary schools that can offer their intake solely on academic performance. They do not have to fill up all of their places.

Some admission authorities for grammar schools operate a 'local review' or Selection Review process to determine whether children who have, for example, failed the entrance test ought to be deemed as being of grammar school standard. Such review will be completed before the allocation of places so that children who are consequently deemed to be of grammar school standard can be considered at the same time as others. The local review process does not replace a parent's right of appeal against the refusal of a place at a school for which they have applied.

An appeal panel may be asked to consider an appeal where the appellant believes that the child did not perform at their best on the day of the entrance test. In such cases:

- a) where a local review process has not been applied, the panel must only uphold the appeal if it is satisfied:
 - i) that there is evidence to demonstrate that the child is of the required academic standards, for example, school reports giving Year 5/Year 6 SAT results or a letter of support from their current or previous school clearly indicating why the child is considered to be of grammar school ability; and
 - ii) where applicable, that the appellant's arguments outweigh the admission authority's case that admission of additional children would cause prejudice.
- b) where a local review process has been followed, the panel must only consider whether each child's review was carried out in a fair, consistent and objective way and if there is no evidence that this has been done, the panel must follow the process in paragraph 3.13(a) above.

Infant Class Size Appeals

Regulations made under section 1 of the School Standards and Framework Act 1998 limit the size of an infant class (a class in which the majority of children will reach the age of 5, 6 or 7 during the school year) to 30 pupils per school teacher. Only in very limited circumstances can admission over the limit be permitted²¹.

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 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;
- 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.

Waiting Lists

3.21 Paragraph 2.15 of the School Admissions Code requires admission authorities to maintain waiting lists for oversubscribed schools. Appeal panels must not take account of where the admission authority has placed a child on the waiting list, or of the fact that appeals have not been made in respect of other children on the waiting list. Appeal panels must not make any decision relating to the placement of a child on a waiting list. Panel members may ask if the school has a waiting list and how many are on that waiting list.

Your child will remain on the waiting list even if your appeal is unsuccessful. For grammar schools, if your child did not pass the test, they will not be added to the waiting list.

Waiting lists for all schools are subject to change which means that positions on waiting lists can go up as well as down as families move in and out of areas or are offered a place at a school which was a higher preference. Each child is ranked according to the admissions criteria and not the date of application. Late applicants are considered the same way as a timely applicant.

Children with Education, Health and Care plans

Appeals by the parent of a child with an Education, Health and Care (EHC) plan against the choice of school named in the EHC plan, or the fact that no school has been named, are considered by the First-tier Tribunal (Special Educational Needs and Disability) not a school admission appeal panel.

Further Appeals and Complaints.

Appellants do not have the right to a second appeal in respect of the same school in the same academic year. You may complain about the constitution of the panel or maladministration however, the decision of the Panel cannot be reviewed or overturned. Details of who to contact will be in the decision letter that is sent to you.