

THE CHARTER SCHOOLS

EDUCATIONAL TRUST

Admissions Appeal process

This guidance is for parents/carers of children who have applied for a place at a school within The Charter Schools Educational Trust. If your child has been refused a place at the school you prefer, you have the right to appeal against the decision.

Even if you are appealing for a place at your preferred primary/junior school/ you should still make arrangements with another school in case your appeal is unsuccessful.

Parents of children with an Education, Health and Care Plan (EHCP) should contact the special educational needs team for more advice. Tel: 020 7525 4278.

Completing and returning the appeal form

To appeal, complete the attached Appeal Form (Appendix 1) and return it to the Admissions team at the respective school (See contact details in Appendix 2). You must state the reasons for your appeal and provide any supporting medical or professional documents. You must complete a separate form for each child you wish to appeal for.

When returning your appeal form electronically, it is important that you attach copies of any documents or information you may wish to use to support your case. The panel does not have to accept written evidence that has not been submitted in advance of the hearing date.

You should return the appeal form within twenty school days of receiving the letter telling you your child was not offered a place at your preferred school. You may post or email your completed form: the contact details for each school are in Appendix 2.

You are asked to fill in all the details required on the form about your child and contact details, as the Appeals Panel is independent of the Admissions Team and has no access to the information you have already provided on your school application form.

When we receive your form, we will send you an acknowledgement letter or email within a week with information on what happens at the appeal hearing. If you do not receive this, please contact the Admissions Officer at the school to ensure we have received your form.

Before the Appeal:

You will receive information from the School's Admissions Officer, plus details of the date, time and place of your appeal hearing at least 10 school days beforehand. We will also tell you the name of clerk, who will be present at the hearing and the names of the panel members.

The clerk will send you a set of case papers seven working days before the hearing. These are the same papers that the panel members receive: they do not receive any papers that you are not sent.

The case papers include: information on your original application and completed appeal form and any additional documents you have submitted; and the admission teams written statement and information on admissions to the school. Please bring these case papers with you to the hearing.

When you receive the case papers, please contact the clerk to confirm who will attend the hearing. We strongly suggest that you do attend the hearing, as it will allow you to ask any questions you have and the panel members can ask you questions.

The School will invite you to attend the hearing in person*. You may bring a friend or adviser with you. This person can come into the hearing with you and can help you present your case, this can include the School Preference Adviser (SPA), a locally elected politician or social worker. You may also bring an interpreter if you need one.

It is up to you whether or not to bring your child to the appeal hearing. However, we advise against this as it may be uncomfortable or distressing for the child if they are the subject of the appeal and they might distract you and others from the proceedings. If you are unable to arrange childcare for younger children, we suggest you bring someone with you who can wait outside the meeting room with your child(ren).

If you cannot attend on the date or time fixed for your appeal you should contact the appeals administrator or the clerk as soon as possible. Please note that it may not be possible to offer you an alternative date and, in these circumstances, the appeal will go ahead and the panel will consider your appeal on the written details you have given.

You should let us know as soon as possible if you decide to withdraw your appeal for any reason, or are offered a place at the school you are appealing for. You should also tell us if you decide not to attend your appeal hearing.

* Depending on government guidance on COVID restrictions at the time of the appeal, the appeal meeting may be held virtually.

The Appeal Panel

The panel that will consider your appeal has three members who are independent of the school. The panel will consist of a chair and at least 2 other panel members, of which one is:

- a lay person, someone without personal experience of managing a school or the provision of education in a school (except as a school governor or in another voluntary capacity)
- someone with experience in education (such as a teacher), who is acquainted with the educational conditions in the local area, or who is the parent of a registered pupil in a (different) school

A clerk is appointed, who is also independent of the school, and their responsibilities are to:

- giving advice to the panel to enable it to carry out its judicial function
- responding to any queries from parents in advance of the appeal hearing
- providing independent and impartial advice to all parties on the appeals process and admissions law when it's requested
- sending all the relevant papers required for the hearing to all parties
- informing all parties about the order of the proceedings in advance of the hearing
- keeping an accurate record of the proceedings
- sending written notification of the panel's decision

A representative of the School will also attend the hearing to present their case. At no time will they be with the panel when you are not there.

Sometimes an observer will be present, for example, an individual training to become a panel member. The observer will take no part in the hearing. You will be asked if you object to the observer being present during your appeal hearing.

Occasionally there may be a representative of the Administrative Justice and Tribunals Council, the body that has a supervisory role in appeals. Representatives of the Administrative Justice and Tribunals Council have a legal right to be present at appeals hearings.

The Appeal Hearing

The hearing will be as informal as possible. The process will normally be as follows:

- The chair of the panel will ask you and everyone else present to introduce themselves. She or he will then check that you are aware of the procedure and will confirm the legal status of the panel.
- The School (also referred to as the admission team) will present the school's case stating why it does not believe it can admit any more children. They should explain the admissions criteria, how the places were allocated and, in the case of admissions to a primary school, why there would be "infant class size prejudice**" were any additional pupils to be admitted to the school.
- You can ask the representative(s) of the school any questions you have about the admission team's case and the panel may also ask the admission team questions.
- During the next stage of the hearing you will be the only appellant with the panel***. You will be asked to explain to the panel why you want your child to go to this particular school. Even if you have given a full written set of reasons, it helps if you briefly go through the main points again (you may find you think of other details to tell the panel). Remember, this is your only opportunity to explain your case: tell them anything you think may be relevant, no matter how unimportant it may seem to you.
- Questions can then be asked by either the Panel or the school. Panel members may ask questions at any time. The panel must consider why you want your child to attend this particular school and the school's admission arrangements.
- The school will have the opportunity to summarise their case.
- You will have the opportunity before the end of the hearing to summarise your case. Before you and the representative of the school's admissions team leave the room please ensure you have said everything you want to say.

****"Infant class size prejudice" appeals**

An appeal is classed as an infant class size appeal where the refusal to offer a place was on the grounds that the admission of the child would breach the infant class size limit, and no measures could be taken to avoid this without prejudicing the provision of efficient education or efficient use of resources.

This legislation applies to admissions to reception and years 1 and 2, where the school organises its classes into groups of 30 pupils. Where your child has been refused admission to a school on "infant class size prejudice" grounds the appeal panel can only consider the following matters in relation to your appeal:

- a) The admission of an additional child would breach the infant class size limit
- b) The school's admission arrangements comply with the School Admissions Code and other admissions law
- c) The school's admission arrangements were correctly and impartially applied in the child's case

***Where there are a large number of appeals to be considered the hearings will be grouped. This means that for the first stage of the hearing (the admission teams' case) you and several other appellants could be before the panel at the same time. One set of appellants will remain with the panel for the second stage (your own case) and the others will wait outside until it is their turn to speak to the panel.

How do the panel reach their decision?

Once the panel have heard all the evidence before deciding on an appeal, the panel will retire to make its decision in private and follow the two-stage decision making process as set out in Section 3 of the School Admission Appeals Code:

First stage – examining the decision to refuse admission

In the first stage of the decision-making process, the panel must consider whether the:

- The school's admission arrangements comply with the School Admissions Code and all other admissions law
- The school's admission arrangements were correctly and impartially applied in the child's case
- That the admission of additional children would prejudice the provision of efficient education or the efficient use of resources

This could include taking into consideration:

- the school's published admission number (PAN), however, the admission authority must demonstrate prejudice over and above the fact that the PAN has already been reached
- changes to the school's facilities
- the impact on the organisation and size of classes, the availability of teaching staff, and the effect on pupils already at the school
- the impact of the locally agreed Fair Access Protocol
- the effect an additional pupil would have on the school both now and in the future (it's not the panel's role to reassess a school's capacity)

The panel must uphold the appeal at this stage where either:

- it finds that the admission arrangements were not lawful or that the admission arrangements were not correctly and impartially applied in the child's case and the child would have been offered a place had the arrangements been lawful or been correctly and impartially applied
- it finds that the admission of an additional child would not prejudice the provision of efficient education or the efficient use of resources

If the panel is unable to uphold the appeal at the first stage, it must proceed to the second stage of the decision-making process.

Second stage – balancing the arguments

At this stage, the panel must balance the arguments put forward by both the admission authority (school) and the appellant. It must consider the appellant's reasons for wanting their child to attend the school in question, including what it can offer that other schools cannot.

If the panel considers that the appellant's case outweighs the prejudice to the school, it must uphold the appeal.

When making decisions, the panel should:

- consider each point raised by the parties
- communicate to the clerk how each point was considered
- ensure the reasons for the final decision are explicit
- reach a decision by a simple majority of votes cast (where the votes are equally divided the chair has a second or casting vote)
- either uphold or dismiss an appeal without it being subject to any specified conditions

After the hearing the clerk should notify the parties of the panel's decision within 5 school days wherever possible. If there are likely to be delays the clerk should inform all parties of this.

Infant Class Size prejudice appeal – see ** above:

Simply finding that the admission of an additional child would breach the infant class size limit and that the admission arrangements were lawful and applied correctly does not mean the panel will automatically dismiss the appeal.

Panels must ensure they fully consider the appellant's case for appeal. They must examine whether the admission authority's decision to refuse admission was one that a reasonable authority could have made in the circumstances of the case.

The appeal panel must consider infant class size prejudice in the context of all the appeals for that year's admissions.

However, the threshold for finding that an admission authority's decision was unreasonable is high. Panels should consider relevant case law when making decisions on reasonableness.

Appeals for admission to school sixth forms

Applicants and their parents may each appeal a decision to refuse admission to a school sixth form. Where a young person and their parents appeal separately, the school must arrange the appeals so that they are heard together. However, the panel must give both the parents and the young person the opportunity to present their case.

If the school refused the application because more young people were eligible for a place than there were places available at the sixth form, then the panel should follow the 2-stage decision making process required by the School Admission Appeals Code.

If the school refused an application because the young person did not meet the specified entry requirements, the panel must not make its own assessment of the applicant's ability. It must only consider whether the admission authority's decision was reasonable in light of the information available to it.

How will I know the panel's decision?

After the hearing the clerk will notify the parties of the panel's decision. The decision letter must contain a summary of relevant factors that each party raised and the panel's considerations. It must also give clear reasons for the panel's decision, including how the panel decided on any points raised by the parties during the hearing.

The decision letter should be sent to all parties within five school days, wherever possible. If there is a delay the clerk will inform all parties.

If your appeal is successful you will have a place at the school for your child. The school will contact you to make arrangements for admission.

Appeal

If your appeal is unsuccessful you do not have a further right of appeal for the same year group (you can appeal again next year). Your child's name will remain on the waiting list unless you instruct the school otherwise.

The decision of the appeal panel is binding and only the courts, by way of a judicial review, can overturn a decision.

Complaints about appeals

If the panel did not uphold your appeal and you think that was because the appeal panel has acted incorrectly, you may make a complaint of maladministration.

Any complaint must relate to issues such as failure to follow correct procedure or failure to act independently or fairly. You cannot complain simply because you do not agree with the panel's decision.

For complaints against the appeal panel for any of our schools you should complain to the [Education and Skills Funding Agency](#).

Further information and contact details.

- The School Preference Adviser (SPA) can give you independent impartial advice about the appeal process and can help you fill in the appeal form. Contact them on: (T) 020 7525 5211
- If you need information on the availability of places at other schools in the borough contact the Admissions Team on: (E) schools.admissions@southwark.gov.uk (T) 020 7525 5337
- Southwark Council's website has information on schools, admissions and appeals <https://www.southwark.gov.uk/schools-and-education/school-admissions>
- The Department for Education website has a guide for parents on school admissions appeals: <https://www.gov.uk/government/publications/admission-appeals-for-school-places/advice-for-parents-and-guardians-on-school-admission-appeals> .
- The Advisory Centre for Education (ACE) provides independent advice for parents, including a booklet "Appealing for a School", which can be downloaded from their website at <http://www.ace-ed.org.uk>

Appendix 1 – Appeal form

Appeal against admissions decision

Please set out the grounds for your appeal using the form below. The headings will give you the best opportunity to structure your appeal closely against the areas that the appeal panel will take into consideration.

Name of school you are appealing to:			
Child's details:	First name:		
	Surname:		
	Date of Birth:		
	Gender:	Male <input type="checkbox"/>	Female <input type="checkbox"/>
	Address:		
	Postcode:		
	Home telephone No.:		
	Mobile No.:		
Work No.:			
Reasons for your appeal:			
Please set out the grounds for your appeal, including details of which of the grounds below apply. You can continue on a separate sheet of paper if required.			
If handwriting, please print clearly in black ink and complete all relevant sections.			
Admission arrangements failed to comply with legislation and statutory code:			
The school's admission arrangements were not correctly and/or impartially applied:			

Admission of an additional child does not prejudice the efficient education or use of resources:

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My child's case for admission to the school outweighs any prejudice caused to the school:

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Please give any dates when you will not be able to attend the hearing:

Name of Appellant:

Signature:

Date:

Do you need an interpreter at the appeal hearing?

Yes

No

Please state language if yes:

Appendix 2 – Admissions Officer contact details for each school

School name	Admissions Officer Email	Postal Address	Telephone
Charles Dickens Primary School	office@charlesdickens.southwark.sch.uk	Toulmin Street London SE1 1AF	020 7407 1769
Dulwich Hamlet Junior School	Office@dulwichhamletjuniorschool.org.uk	Dulwich Village London SE21 7AL	020 7525 9188/9
Lyndhurst Primary School	admissions@lyndhurst.southwark.sch.uk	Denmark House Grove Lane London SE5 8SN	020 7703 3046
The Belham Primary School	info@thebelhamprimaryschool.org.uk	165 Bellenden Road London SE15 4DG	020 8353 4290
The Charter School East Dulwich	admissions@chartereastdulwich.org.uk	Jarvis Road London SE22 8RB	020 3873 2290
The Charter School North Dulwich	admissions@charternorthdulwich.org.uk	Red Post Hill London SE24 9JH	020 7346 6602