



School Admission Appeals

Key Stage 1 – Infant Class Size Appeals

A Guide for Parents

This guide provides information and guidance for parents appealing against the decision made by an admitting authority to refuse their child a place at a school. It covers the Infant Size Year Groups (Reception, Year 1 and Year 2) and gives information on the appeals process and covers many frequently asked questions. Separate information is available for Key Stage 2, 3 and 4 appeals. If you have any questions that are not dealt with here, please contact the School Appeals Service:

**Appeals Officer
BCP Education Appeals Service
Democratic Services
BCP Civic Centre
Bournemouth
Dorset BH2 6DY**

Tel: 01202 118911

Email: school.appeals@bcpcouncil.gov.uk

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Introduction

Under Section 94 of the Schools Standards and Framework Act 1998, all admitting authorities must offer an opportunity to appeal the refusal of a place at a school or academy. The 2012 School Admission Appeals Code sets out the guidance that should be used for admission appeals.

This guidance is to help you understand what is involved in an Independent School Admission Appeal in Bournemouth, Christchurch and Poole. It is not intended to be a complete legal guide, although every effort has been made to cover all the important points.

You have no legal right of appeal until you have received a letter of refusal from the Local/ Admission Authority.

Bournemouth, Christchurch and Poole (BCP) Education Appeals Service arranges School Admission Appeals for all Community and Voluntary Controlled Schools in the BCP area as well as most Voluntary Aided Schools and Academies in the BCP area. Please contact the service for clarification if needed.

The Impact of Coronavirus on School Admission Appeals

The Government has made some amendments to the legislation surrounding School Admission Appeals to allow for appeals to be heard during the current pandemic. Whilst they have not changed the legislation relevant to the Panel's Decision-Making Powers or the Infant Class Size Legislation, they have changed how appeals are to be heard. This change is in force for all appeals lodged up until 30 September 2021.

In order to effectively manage all the appeals that we service and to ensure fairness for all parties to be able to access the hearing, we will be planning on behalf of each of the admission authorities we service appeals for, for our Panels to hear all appeals based on written submissions only. This is after a great deal of consideration on access, consistency and fairness for ALL parents/carers appealing as well as considerations on staffing and IT provision to support video/conference calls.

Consideration has been given for the ability to hold all appeals in a timely manner as well as the fact some parents/carers are key workers, some have childcare responsibilities so would find joining a call difficult at a specific time, plus be able to fully participate. In addition to the fact that some parents would be working and unable to join the call.

It has been decided that the conditions in the Regulations cannot be met consistently for all parties if we were to hear appeals in any other way, therefore our Appeal Panels have decided to hear appeals based on **written submissions** only. This being the case, please ensure you check your emails on a regular basis once your appeal has been lodged.

1. Why didn't I get a place at the school I wanted?

All parents/carers have a right to express a preference for the school they would like their child to attend. Although every effort is made to offer your child a place at your preferred school, this is not always possible. All admission authorities must offer a place at the school unless there is a legal reason for refusing a place.

The most common reason for not offering a place is that the school(s) received more applications than places available and other children had a higher priority for the place at the school than your child when the school's admission policy was applied. For in-year applications, it is usually that the school is up to its published admission number in the year group.

In both instances, the school will not wish to admit more pupils as this will adversely affect resources and the education of other children at the school.

2. Should I accept an alternative school place?

If you have not been offered a place at the school you would like, it is sensible to consider an alternative school place for your child. If you have not already done so and it is something the school offers, you should visit the school you have been offered or speak to them about any concerns you have. If you accept a place at an alternative school, you can still appeal for a place at any school that was named on the application form you submitted. Accepting an alternative place will not affect any appeal that you lodge.

3. How do I lodge my appeal?

All parents/carers have the right to appeal against any decision made by or on behalf of an admission authority as to the school your child attends under legislation produced by the Department for Education (DfE). You have the right of appeal if you have parental responsibility, irrespective of whether you are the natural parent or if you care for a child who lives with you. It does not have to be the same person who submitted the application form.

If you do wish to appeal, you will need to complete an appeal form stating why you want your child to attend that school. You can appeal for a place at more than one school, but you cannot appeal for a school you did not name on your application form.

Your appeal must be made in writing and you must explain the reasons why you are lodging an appeal. Please refer to section 4 of this guidance for specific information about Infant Class Size appeals. **If you submit an appeal form without setting out your grounds of appeal, it will be returned to you as you will have not lodged your appeal correctly.**

Please note that your right is to appeal the refusal of a place for your child by an admission authority. There is no right of appeal against which alternative school having been offered to you – this is done to ensure your child has a school place (where the Local Authority has responsibility to do so).

Your refusal letter will advise how to obtain an appeal form and the form will tell you where to return it to. Normally, you will need to submit your appeal by a certain date – this information can be obtained from the school(s) website by viewing their Appeal Timetable.

4. What is an Infant Class Size Appeal?

There are very limited grounds for appealing against refusal of admission under Infant Class size legislation.

In 1998, the Government introduced legislation under the Schools Standard and Framework Act (SSFA 1998) which limits the size of an infant class to 30 pupils with a single school teacher for Reception Year, Year One and Year Two. The **ONLY** exceptions allowed by law to this are those listed in Appendix 2.

For infant class size appeals, the law only allows very limited grounds upon which an Appeal Panel is allowed to uphold an appeal and offer a place.

Under the Admission Appeals Code, the Appeal Panels are to **review** the decision by the Admission Authority not to offer your child a place. This means that the Panel can only consider the information and materials that were available to the Admitting Authority at the time it made the decision. Appeal Panels are **ONLY** allowed to uphold an appeal where they have found:

- a) that the admission of additional children would not breach the infant class size limit; or
- b) that the admission arrangements did not comply with admissions law or were not correctly and impartially applied and that the 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.*

* The threshold for finding that an Admission Authority's decision to refuse admission was not one a **reasonable** 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'. For example, a decision would not be considered unreasonable just because you have a child who already attends the school or because you would need to travel further to the school you were offered. Instead you might have a case if the school made an error in allocating places and your child would have been given a place based on the published admission arrangements if the process had been carried out correctly.

These are the only **very limited circumstances** in which an Appeal Panel is legally allowed to uphold this type of appeal. The success rate of these appeals is, accordingly, very low. In considering whether you wish to appeal in such circumstances, you need to be aware that these appeals can **only** be upheld on these limited grounds. Your personal reasons for wanting the school, however strongly you feel, cannot be taken into account unless any of the above circumstances apply. If you did not apply under social or medical circumstances, the Appeal Panel cannot consider this as part of your appeal, as their role is to **review** the decision of the Admission Authority not to offer your child a place in an infant class at your preferred school. The Appeal Panel, therefore, is bound to dismiss cases which fall outside these circumstances.

If there are multiple infant class size appeals (where there are more than one appeal for the same school and year group), where a number of children would have been offered a place under the circumstances set out above, and to admit that number would seriously prejudice the provision of efficient education or efficient use of resources, the panel must proceed to a second stage. This is where they compare each appellant's case for their child to be admitted and decide which of them, if any, to uphold.

5. What happens after I submit my appeal?

After you submit your appeal we will:

- send you confirmation that we have received your appeal;
- in due course, we will email you with a letter giving you at least 14 calendar days' notice of the date/date range during which your appeal will be heard;
- we will send you a copy of the school's written submission and a copy of the submission you presented to date that the Panel will consider;
- there will be an opportunity for all parents/carers to question the school's case, the school to question each parent/carer's case and the Independent Panel to question all cases;
- once the Panel has all the information, they will have a virtual meeting between themselves with their Clerk to consider and determine the appeals lodged for this school – this will be in line with the legislation set out in the Appeals Code. The changes to this under the current pandemic, is that if one Panel Member were to fall ill, the remaining two Panel Members can reach a decision still;
- after the appeal hearing, we will send you a letter giving the Panel's decision and detailing their reason for it.

6. When will my appeal be heard?

The School Admission Appeals Code sets out the following timetable for when appeals will be heard:

- For applications made in the normal admission round (i.e. applications made by the specified deadline to start in Reception, transfer to Junior/Middle School or start Secondary School in the coming September), appeals must be heard within 40 school days of the deadline for lodging appeals;
- For late applications (i.e. applications made after the specified deadline to apply to start in Reception, transfer to Junior/Middle School or start Secondary School in the coming September), appeals should be heard within 40 school days from the deadline for lodging appeals where possible, or within 30 school days of the appeal being lodged;
- Applications for in-year admissions (all applications that are not part of the Primary, Junior/Middle or Secondary intakes for September onwards; (This could be for any year group at any time of year) appeals must be heard within 30 school days of the appeal being lodged.

Due to the current pandemic, the legislation has been temporarily amended to suspend the deadlines by which appeals should be heard. They now allow schools longer than the above timeframes, if needed and state that all appeals are heard as soon as is reasonably practicable. When we confirm receipt of your appeal, we will advise you of the anticipated timescale as to when your appeal will be heard.

7. Where will my appeal be heard?

The Panel Members and Independent Clerk will attend a virtual hearing to consider and determine your appeal. As detailed above, you will be advised at least 14 days in advance of the date range for your appeal to be heard.

8. What information will be sent to me and the Appeal Panel?

We will send you the School's written submission of their case and a copy of your appeal submission you presented to date. We will subsequently send you an email with a form for you to complete should you have any questions to ask the school about their case – these questions must be generic to the school's case and not specifically about your child. The Panel Members and School will also be sent forms for them to submit any questions to you regarding your grounds of appeal. All questions submitted will be circulated accordingly and you will be given a deadline in which to respond and attach any supporting evidence. Once the deadline has passed all the answers to the questions will be sent to the Panel Members and School along with any late evidence provided and you will receive the following documents:

- Questions Panel Members to School with the answers
- Questions Parents to School with the answers

Please note, there will be no further opportunity to raise questions on these responses.

Please be assured everything you submit within the deadlines will be submitted to the Panel Members and the Independent Clerk will ensure they have the information before they consider your appeal.

9. Preparing for my appeal

The Appeal Form will be an important part of your case and you need to fill it in as fully and carefully as possible, giving your grounds for your appeal.

Any supporting evidence must be emailed to us as either Word or PDF documents, we cannot accept photos of documents as they are not usually of a standard to read or email to the Panel Members.

The Admission Authority must comply with reasonable requests from parents/carers for information which they need to help them prepare their case for appeal.

It is important to provide written evidence to support your grounds of appeal. The Admission Authority may seek independent evidence from you on matters like medical conditions or your address, prior to the hearing, which confirms or supports what you say.

Please note that we retain any evidence or supporting documents sent to us as part of your appeal. Please do not submit any original documents and ensure you submit copies to us. Also, bear in mind that the Appeal Panel may not have been given any previous correspondence you might have had with the Admission Authority – it is up to you to submit **all** documentation you wish to be included as part of your appeal.

If you wish for the Appeal Panel to have confirmation from someone such as your doctor or social worker as to what you have said on your appeal form, it is **up to you** to obtain this written support and send it to us before the deadline to received paperwork. We are unable to contact professionals on your behalf for more information.

Please Note - You cannot submit any evidence after your appeal has taken place.

10. Can I know why previous appeals were upheld?

Previous decisions on school admission appeals do not set precedent, so no-one can predict whether your appeal will be successful or not. In addition, school appeals are confidential, so you cannot ask to see copies of previous appeals or know why other appeals were successful. Your appeal will be considered on your own circumstances.

11. What if I want to withdraw my appeal?

You can withdraw your appeal at any time before the hearing. Please contact the BCP Education Appeals Service as soon as possible by telephone and follow this up with an email as confirmation. Please note, our service is completely separate from school admissions, so if you subsequently accept a place either at your preferred or an alternative school, your appeal will not automatically be cancelled.

12. What happens at the appeal hearing?

The Appeal Hearing will be conducted in accordance with the guidelines given in the [School Admission Appeals Code](#) (which came into force on 1 February 2012). The School Admission Appeals Code is a national code governing School Admission Appeals. It imposes mandatory requirements and includes guidance on the conduct of Appeal Hearings. The Appeal Panel must, by law, have regard to the Code.

13. How long will the appeal hearing take?

This will depend on how many appeals are being heard at the hearing – you will be advised of the date range for your appeal.

14. Who are the Appeal Panel and what are their powers?

Please note, under the Covid-19 Regulations the rules have been relaxed with regard to what happens if one of the three panel members withdraws (temporarily or permanently) to make it permissible for the Panel to continue with and conclude the appeal as a Panel of two.

When you decide to appeal against the decision of the Admission Authority to refuse a place for your child at their school, a special panel called an Appeal Panel will hear your appeal.

The Appeal Panel is made up of people who are completely independent of the school and education functions of the Local Authority. The Appeal Panel comprise of a Chairperson and at least two other Panel Members with at least one from each category on the next page:

- lay people – someone without personal experience in the management or provision of education in any school (excluding experience as a school governor or in another voluntary capacity).
- persons who have experience in education, are acquainted with education conditions in the Local Authority area or are parents of registered pupils at a school.

In Bournemouth, Christchurch and Poole, there are three members on an Appeal Panel – all of whom are volunteers. They are not allowed to be Local Authority Councillors and they receive no payment other than reimbursement for expenses. They will have undertaken training as required by the School Admission Appeals Code.

None of the Appeal Panel Members will have had any connection with the admissions process affecting your particular case or any former knowledge of your case other than your appeal form and supporting documents alongside the Admission Authority's statement.

You will be notified of the names of your Appeal Panel Members prior to the hearing. Upon receiving this notification, should you have any objections regarding impartiality, these should be notified to the Clerk immediately.

The Appeal Panel will listen to your case and that made by the Admission Authority and can question both parties. It will consider all evidence submitted in writing by all parties. The Appeal Panel will either accept or reject your appeal. It has no other power. If it accepts your appeal, your child must be offered a place at the school you have appealed for.

The decision of the Appeal Panel is final and binding on all parties. The Appeal Panel cannot allocate places at a school other than the school that they are hearing the appeal for.

The Appeal Panel cannot:

- enter into a debate with either party on issues raised;
- attach any conditions if it allows your appeal;
- hear complaints or objections in wider aspects of local admission policies and practice;
- reassess the capacity of the school;
- take into consideration your child's position on the waiting list for the school;
- order the Admission Authority to change your position on the waiting list for the school;
- consider general matters regarding admission arrangements or admission policies.

15. What is the role of the Clerk to the Appeal Panel?

The Clerk is not a member of the Panel but has an important part to play in ensuring that all relevant facts are established and that the appeal hearing is conducted in a fair way. The service they provide is both independent and impartial. The Clerk's main role at the hearing is to:

- Be an independent source of advice (or to seek appropriate advice) on procedure, on the School Admissions and School Admission Appeals Code, and on the law on admissions, giving any advice in the presence of all parties where practicable;
- Ensure that both the appellants and the Admission Authority have had the opportunity to present relevant facts ahead of the hearing;
- Assist the Panel, Admission Authority, or the appellants with procedure and obtaining advice where directed by the Panel Chair to do so;
- Record the proceedings, attendance, voting outcomes, Panel decisions and reasons in a form that the Panel and Clerk agree is appropriate. All notes and records of the proceedings taken by the Clerk are the property of the Panel. These notes are prepared and retained on the basis that they may be required to be disclosed to the Local Government Ombudsman, Education and Skills Funding Agency or are required as part of a Court proceeding;
- Notify all parties of the Appeal Panel's decision.

16. What is the Decision-Making Process that the Appeal Panel uses?

The Appeal Panel must follow the process as set out in the Appeals Code relating to Infant Class Size Appeals.

Examining the decision to refuse admission

The Appeal 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 Schools Standard 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 was one which a reasonable admission authority would have made in the circumstances of the case.

Please refer to the details in Section 4 above as to the ONLY reasons an Appeal Panel is legally allowed to admit an infant class size appeal and for the definition of reasonableness as referred to for this legislation.

17. What if I have a disability?

Please let us know if you have a disability that prevents you being able to participate in the appeal hearing with it being based on written materials. We will contact you and see what arrangements we can make to accommodate your needs.

18. What happens if I need an interpreter or other help?

You may request an interpreter to help you prepare your case ahead of the hearing dates. If you would like the Clerk to arrange this for you, at the school's expense, please ask the Clerk well before the hearing advising of the language you require. Alternatively, if you would prefer, you may arrange for your own interpreter to assist you, but at your own cost.

19. What happens after the appeal hearing?

The Clerk will send you a brief letter notifying you of the outcome of the appeal as soon as possible once the Panel has made its decision and not before the final day of the hearing for multiple appeals. A detailed letter will then be sent to you within 7 calendar days, giving the Panel's reasons for their decision – this may take longer however during busy times.

The decision of the Appeal Panel is binding on you, the School, the Admission Authority and the Local Authority. If the appeal is unsuccessful, there is no further right of appeal. You should contact the Local Authority admissions team to discuss the alternatives available.

If your appeal is successful, you will be advised to contact the school to make arrangements for your child to start as soon as possible.

20. Can I complain?

The Local Government Ombudsman (LGO) can investigate written complaints about maladministration on the part of an Appeal Panel for maintained schools. **A complaint to the Ombudsman is not a further appeal.** It must relate to the **administration** of an Appeal rather than the Appeal decision. Maladministration covers issues such as failure to follow correct procedure or a failure to act independently and fairly. It does not cover the merits of a decision that the Appeal Panel has made.

Complaints about maladministration on the part of an Appeal Panel for an Academy, or that an Academy Trust has failed to comply with the Appeals Code in setting up a Panel, are investigated by the Education and Skills Funding Agency (ESFA). This Agency is appointed to investigate complaints about Academies on behalf of the Secretary of State.

Neither the Ombudsman nor the ESFA is able to overturn the Appeal Panel's decision but, where they find that there has been maladministration in the appeals process, they may make recommendations for a suitable remedy. For example, they may recommend that an appeal is reheard by a different Panel with a different Clerk.

Details of how to make a complaint to the Local Government Ombudsman or Education Skills Funding Agency will be given in your decision letter.

21. What if I feel that the decision of the Appeal Panel was wrong in law?

If you or the Admission Authority consider that the decision of the Appeal Panel was legally wrong, either party could apply for a judicial review. If a judicial review is granted, the Court would consider the lawfulness of the Appeal Panel's decision. If it found the Appeal Panel's decision to be unlawful or unreasonable (irrational or perverse legally), it could overturn the decision, or it could order a fresh hearing be set up with new Panel Members.

If either party wishes to consider this course of action, they should take independent legal advice as soon as possible, as normally there is a 3-month time limit from the date of the decision.

22. Can I appeal again if my appeal is rejected?

You do not have a right to a second appeal in respect of the same school for the same academic year unless, in exceptional circumstances, the Admission Authority accept a second application from you because of a significant and material change in the circumstances of the parent, child or school, but still refuse admission.

23. Where can I get further support and advice?

In the first instance, contact the BCP Education Appeals Service who can help you with any queries you may have about this guidance and the appeals process.

**Appeals Officer
BCP Education Appeals Service
Democratic Services
BCP Civic Centre
Bournemouth
Dorset BH2 6DY**

Tel: 01202 118911

Email: school.appeals@bcpcouncil.gov.uk

We are unable to assist you with the preparation of your case, so please refer to the following pages for support services which may be available to you.

Below are other sources of information and advice that you may wish to use:

Children's Information Service (CIS) - Bournemouth and Christchurch

The Children's Information Service team is able to assist with enquiries about other aspects of admissions, alternative school preferences and queries about school transport for Bournemouth and Christchurch. They can be contacted via phone and email as below:

Tel:	01202 123222	Mon – Thur	09.00am – 5.00pm
Email:	cis@bcpcouncil.gov.uk	Fri	09.00am – 4.30pm

School Admissions Team – Poole

The School Admissions Team can assist with enquiries about other aspects of admissions, alternative school preferences and queries about school transport for Poole. They can be contacted via phone and email as below:

Tel:	01202 127963	Mon – Thur	09.00am – 5.00pm
Email:	school.admissions@bcpcouncil.gov.uk	Fri	09.00am – 4.30pm

Child Law Advice Service - Coram Children's Legal Centre (CLCC)

Coram Children's Legal Centre (CLCC) is an independent national charity specialising in law and policy affecting children and young people. CLCC provides free legal information, advice and representation to children, young people, their families, carers and professionals via their Child Law Advice Service. As well as limited advice on

their number below, they also offer a paid for call back service – please refer to their website.

Telephone: 0300 330 5485
Website: www.childlawadvice.org.uk

Mon – Fri 8.00am – 6.00pm

Advisory Centre for Education (ACE) Advice

The Advisory Centre for Education is an independent national education advice centre which provides information on the education system. ACE produces a wide range of publications which offer helpful advice on children's education.

Telephone: 0300 0115 142 Mon, Tue, Wed 10.00am – 1.00pm term time
Website: www.ace-ed.org.uk

Special Educational Needs and Disabilities Information, Advice and Support Service (SENDIASS)

SENDIASS provide free impartial independent information, guidance and support to parents and carers of children with Special Educational Needs (SEN).

SENDIASS for Bournemouth and Christchurch:

Telephone: 01202 451970 Email: sendiass@bcpcouncil.gov.uk

SENDIASS for Poole:

Telephone: 01202 261933 Email: sendiass@bcpcouncil.gov.uk

Independent Parental Special Educational Advice (IPSEA)

IPSEA is a national charity which provides free legally based advice to families who have children with Special Educational Needs

Telephone: appointments to speak to an advisor can be booked via their website
Website: www.ipsea.org.uk

School Admissions Code and School Admission Appeals Code

The school admission process, including the school appeals process must be administered in accordance with the School Admissions Code and The School Admission Appeals Code. These Codes are issued by the Secretary of State for Education and can be viewed at:

<http://www.gov.uk/government/publications/school-admissions-appeals-code>

<http://www.gov.uk/government/publications/school-admissions-code>

Of course, you are free to seek your own advice from other sources if you prefer.

To obtain **Education Acts and relevant regulations**, visit www.legislation.gov.uk

Appendix 1

Glossary of terms and abbreviations

Academy	An Academy is a type of school which receives its funding directly from central government and is independent of direct control by the Local Authority. They employ their own staff and set their own admission criteria. They sometime receive additional support by personal or corporate sponsorship which aims to raise standards and helps explore new ways of working.
Admission Authority (AA)	Admission Authority. The body responsible for the school admission policy. This is the Local Authority for Community and Voluntary Controlled schools and the Governing Body for all other Schools and Academies.
Admission Arrangements	The arrangements for admitting pupils to schools which include admission numbers, application procedures and timetables, admission criteria, information about waiting lists, and information about how late applications will be handled.
Admission Criteria	When a school is oversubscribed, applicants are ranked according to the admission criteria. The criteria set out what categories of applicant have priority for places at a school.
Catchment Area	A school's catchment area is a geographical area local to the school and usually listed by streets or shown as a specified area on a map.
Community School	A Community School is run by the Local Authority, which employs the staff, owns the land and buildings and decides the admission criteria.
DfE	Department for Education. The central government body that issues guidance on capacity of schools, school admissions and appeals.
EA / SSFA	Education Act / School Standards & Framework Act.
EAL	English as an additional language.
EBD	Emotional and Behavioural Difficulties. One of the types of Special Educational Needs.
EHCP	Where a child has a high level of Special Educational Needs, the LA will issue a legal document called an Education Health and Care Plan (formerly known as a Statement). This will set out the support that will be provided for the pupil. Where an EHCP also names a school at which the pupil is to be educated, the pupil must be admitted to that school even if it is oversubscribed.
Excepted Pupil	The infant class size legislation allows for the entry of an additional child under certain limited exceptional circumstances over the limit of 30. That child is classed as an "excepted pupil"

Equal Preference System	The Equal Preference System was created to prevent admission authorities (particularly where an individual school is the Admission Authority) giving higher priority to parents who make a particular school their first preference. It means that every school preference you express is treated as if it is a unique application.
Fair Access Protocol	This applies to casual admissions and establishes a mechanism to ensure access to education is secured quickly for unplaced children, especially the most vulnerable, and ensures that all schools in an area admit their fair share of children with challenging behaviour. This includes admitting children above the published admission number to schools that are already full.
Foundation Stage 1	Reception Year
Grammar School	A grammar school selects all (or substantially all) of its pupils on the basis of general (i.e. academic) ability.
Indicated Admission Number (IAN)	The number calculated by dividing the net capacity by the number of year groups to be accommodated at the school.
Infant class	A class in which the majority of pupils will reach their fifth, sixth or seventh birthdays during the school year.
Infant class size legislation	The law which says that an infant class must not have more than 30 pupils in a class with one school teacher.
Key Stage 1	Year 1 and 2
Key Stage 2	Years 3 - 6
Key Stage 3	Years 7 - 9
Key Stage 4	Years 10 & 11
Key Stage 5	Years 12 & 13
K Register	Replaced the old system of School Action and School Action plus as a way of identifying the children needing support with Special Educational Needs when the school provides interventions.
LA	Local Authority. The local government body which has responsibility for the provision of education in its area.
Looked After Children (see also previously Looked After Children)	Children who are in the care of Local Authorities as defined by Section 22 of the Children Act 1989. In relation to school admissions legislation, a 'looked after child' is a child in public care at the time of application to a school.
Net Capacity	The net capacity of a school is the number of pupil places available according to the DfE's method of calculating space in schools.

Normal Admission Round	<p>If applying for a place in a Reception Class, transfer to Junior School or Secondary school to start in the coming September, and the application is made by the deadline given, the application is classed as being in the normal admission round application.</p> <p>If the application is made after the deadline to apply, it is classed as a "late application"</p> <p>If the application is to start at any other time of the year, or is for any other year group, it is classed as an in-year application.</p>
Normal Home Address	This is the child's usual home address and it is used to calculate the distance from home to school where distance is an over-subscription criterion. Evidence of address is always required and admission authorities will investigate applications that they believe may be fraudulent.
Normal / Relevant age of entry	The year in which pupils are or will normally be admitted to the school in question (e.g. Reception Year, Year 3 or Year 7).
NQT	Newly Qualified Teacher.
OFSTED	Office for Standards in Education. A government body which carries out inspections of schools.
Oversubscribed	A school is "oversubscribed" when more people have applied for places than there are places available.
Oversubscription Criteria	The published criteria that an Admission Authority applies when a school has more applications than places available in order to decide which children will be allocated a place.
Pastoral Care	The care and welfare of a child.
PSHE	Personal, Social & Health Education.
Preference	Parents can express a preference for a particular school but that does not guarantee a place at that particular school.
Previously Looked After Children	Children who were looked after (by the local authority) but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order).
Published Admission Number (PAN)	<p>This is the number of children to be admitted to a school in a given year. The number depends on the amount and type of accommodation available at the school and is worked out using instructions set out by the Department for Education. It is agreed before the admissions process begins and normally the school will not offer more places than this number.</p> <p>Note – the school is not allowed to admit fewer pupils than the PAN if the school is oversubscribed.</p>

Sibling Rule	Some schools give priority for siblings where one or more of the siblings already attend the school. Siblings can include half, step and adopted children who reside at the same address as the older or younger child.
Supplementary Information Form (SIF)	Some schools ask for additional information that is not collected on-line or on the application form, so that they can follow their admission rules, for example faith schools. Always check the school's own website to see if an additional form is required for your application.
SEN	Special Educational Needs. These are needs which a pupil has that require extra support in school.
SENCO	Special Educational Needs Co-ordinator.
TA	Teaching Assistant.
Voluntary Aided Schools	These are mainly religious or 'faith' schools, although anyone can apply for a place. As with foundation schools, the governing body employs the staff and sets the admission criteria. The school's buildings and land are normally owned by a charitable foundation, often a religious organisation. The governing body contributes to building and maintenance costs.
Voluntary Controlled Schools	Voluntary Controlled schools are similar to Voluntary Aided schools, but are run by the Local Authority. As with community schools, the Local Authority employs the school's staff and sets the admission criteria. School land and buildings are normally owned by a charity, often a religious organisation, which also appoints some of the members of the governing body.
Waiting List	A list of children held and maintained by the Admission Authority when the school has allocated all of its places, on which children are ranked in priority order against the school's published oversubscription criteria.
Work places	The unit of measurement used to ensure that the spaces in schools are weighted fairly.

Appendix 2 – Infant Class Size – “Excepted Pupils”

Legislation requires that infant classes (Reception, Year 1 and Year 2) **must not** contain more than 30 pupils with a single school teacher.

However, additional children may be admitted under **limited exceptional circumstances** and they are called “excepted pupils”. These children will remain an “excepted pupil” from the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

- a. children admitted outside the normal admission round with statements of Special Education Needs specifying a school;
- b. looked after children and previously looked after children who are admitted outside the normal admissions round;
- c. children admitted, after the initial allocation of places, because of a procedural error made by the Admission Authority or Local Authority in the original application process;
- d. children admitted after an Independent Appeal Panel upholds an appeal;
- e. children who moves into the area outside the normal admission rounds for whom there is no other available school within a reasonable distance;
- f. children of UK service personnel admitted outside the normal admission round;
- g. children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil; and
- h. children with special education needs who are normally taught in a special education needs unit attached to the school, or registered at a special school, who attends some infant classes within the mainstream school.

Appendix 3

Frequently Asked Questions

Relating to School Admission Appeals for Infant Classes (Reception, Year 1 and Year 2)

Below are some example questions and queries that were asked by parents at recent appeal hearings:

- **I expected to be given my catchment area school if my preferred school(s) was full?**

There is no guarantee of being given your catchment area school, even if you did put it as a preference. If you didn't list the catchment school as a preference, your application would only be considered if there were still places after all the other parental preferences were considered.

- **If the Infant Class Size Legislation is so specific, why have you let me appeal? / What's the point in appealing if the law is so restrictive?**

Even though there is specific legislation governing this type of appeal, you still legally have a right of appeal – so that if an error had been made in the allocation (for example the school did not measure the home to school distance accurately, made an error in which category your application was considered under), the Panel can put that error right by offering you a place. As advised in the guidance however, their remit is very limited – by law, so we want to ensure that if you do appeal, that you are clear on the limited circumstances the Panel is able to uphold an appeal.

- **I have other children already attending the school I'm appealing for – how am I expected to get my children to two different schools?**

This is not something which the Panel is able to consider by law. They only look at whether the school which refused you a place allocated their policy correctly and if not if you would have gained a place. Having 2 children in 2 different schools does not come under the legal definition of the school being "unreasonable", as in perverse/outrageous with refusing you a place, as long as the school has allocated their places in accordance with the oversubscription criteria in their admissions policy. We suggest you look at places available at other schools, putting your child(ren) on waiting lists or utilising the breakfast and after school clubs that most schools offer.

- **After the appeal, will my application take priority on the waiting list?**

No. Just because some people who have been refused a place lodge an appeal does not alter the order of the waiting list. It is ordered, as required by law, in the same order as the admission criteria. Any late applicants are slotted into their correct position, so you can go down the waiting list as well as up (if for example someone moved into the area closer to the school than you).

- **If there are less people appealing, does this mean I stand more chance of being allowed a place?**

No, each appeal is heard on its own merit and each appeal is looked at with regards to the strict infant class size criteria detailed above.

- **I only put one preference on the application form – does this not give me higher priority for the school – either for the application or appeal?**
No, just putting one preference means your application was only considered by this one school and that any offer of a place at an alternative school will only be considered once all the other preferences by parents had been considered. This is why it was strongly suggested that you use all three preferences when applying.
- **How many places are kept back for those who appeal?**
None - if a school is full it has allocated all available places for your year group in accordance with its oversubscription policy. Legally, schools are not able to keep any places back for appeal, or indeed any other reason. If your appeal were to be successful (in the very limited circumstances that a Panel is allowed to uphold an infant class size appeal), your child would go into the school in addition to those already allocated a place – i.e. over the Published Admission Number.
- **My appeal is about the school I've been offered / My issue is with the Council as I don't want the school I've been offered for my child**
There are no appeal rights against the school you've been offered. Any appeal is considered on the grounds that it is an appeal against a refusal of a place by a particular school, in accordance with the law. The Panel hear the appeal as to why the school you are appealing to refused you a place and was that correct or not – the school you've been offered a place at is not considered in the Panel's decision making for this type of appeal.
- **I have lots of new information – can I introduce it at the appeal?**
You are within your rights to introduce this (as long as it complies with the deadline for submission set by the Clerk on the Panel's behalf – usually 5 working days before the hearing), however please bear in mind that this type of appeal is more of a **review** of the decision the admitting authority (the school concerned) as to whether their decision was "reasonable" to refuse you a place at the time they did with what they knew about your application/could reasonably have been expected to know. If subsequent events have occurred – e.g. medical appointments or diagnosis' – the school can't have been expected to know this and therefore the Panel will not be able to consider this information when making their decision – they have no discretion about this.
- **I don't feel the school's order of priority is fair – can I appeal against this?**
No, if a school is changing their admissions policy, they must consult with other schools, and parents and other interested parties in the area in accordance with the law set out in the Admissions Code. They do this 18 months in advance of the year group this will apply to starting and usually put information on their website, the Council's website, in the Echo and at local children's centre and doctors' surgeries on how to participate. This consultation was when you had chance to comment on any changes/the priority order. If a school does not make any changes, they must still consult once every 7 years, even if no changes have been made during that period. The Appeals Process is not a forum to raise issue with a valid legal admission policy, so the Panel are unlikely to take any action, unless they feel the policy itself is unlawful and that you would have got a place if it wasn't unlawful.