

## Guidance for Parents/Carers on Admission Appeal Hearings

This guidance is for admission appeals regarding schools and academies in Cirrus Primary Academy Trust.

If you decide to appeal having read through this guidance, please complete the appeal form on page 5, which you should send with any supporting evidence to **Lisa Tilleray, Admissions Officer, Cirrus Primary Academy Trust, Stanley Park Infants' School, Stanley Park Road, Carshalton.SM5 3JL**

### Infant Appeals – Key Stage 1 Class Size Restrictions

If you are not offered a place for your child at the school that you applied for, you have the right to appeal against this decision to an independent body called an Independent Appeal Panel. The panel comprises of three members who have no connection with the school and who have received training on the appeals process. The deadline for submitting appeals for September 2020 is **Monday 18<sup>th</sup> May 2021**.

In deciding if you want to appeal for a school which already has 30 pupils allocated to an Infant class, you need to be mindful that the government has imposed a limit on Infant class sizes. This is to ensure that children aged 5, 6 or 7 years should not be in a class of more than 30 pupils for an ordinary teaching session with a single teacher.

In considering an appeal under infant class size legislation, the Appeal Panel must first be satisfied that Cirrus Primary Academy Trust have demonstrated that Infant class size legislation applies, and that it has been explained what would need to be done if an extra child were to be admitted to a school which already has 30 pupils in a class.

The law strictly limits the circumstances in which an Appeal Panel can uphold an appeal where a school place was refused due to infant class size.

**In considering these appeals, an Appeal Panel can only uphold an appeal if it is satisfied that:**

- a) the child would have been offered a place if the admission arrangements had been properly implemented;
- b) the child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code;
- c) the decision was not one which a reasonable admissions authority would make in the circumstances of the case

If you think that the admissions authority has made a mistake in applying the admission arrangements you can appeal under point **(a)**. In these cases, in order to uphold an appeal, the Appeal Panel must be satisfied that, had the arrangements been properly applied, your child would have been offered a place at the school.

If the panel members decide that in their opinion the school's admission arrangements are contrary to mandatory provisions in the School Admissions Code **(b)**, they must then consider whether the child would have been offered a place had the arrangements been lawful.

If you decide to appeal on the 'reasonableness' of the admission authority's decision **(c)**, the Appeal Panel can only have regard to fresh information if that information would have been available at the time of the application if the admission authority had acted reasonably.

To find that a decision is unreasonable, the panel would need to be satisfied that the decision to refuse admission was '*perverse in the light of the admission arrangements*'. The decision on whether a refusal was unreasonable will depend on the facts of the particular case presented at the appeal. As an example, a decision that makes it impossible for you to transport all your children to school on time is unlikely to be considered perverse. Before you make your decision to appeal you should think carefully about your reasons for appeal and be realistic about the likely outcome

If you decide to proceed, your appeal form will be forwarded to the independent Clerk to the Appeal Panel. You will receive written notice of the date of your appeal at least 10 school days in advance of the hearing, and you will also be sent a copy of the school's written evidence giving the reasons why it is not possible to offer your child a place at the school. Your appeal may be scheduled for any time from 9.00am to 8.00pm Monday to Friday during term time.

A copy of your appeal submission will be sent to the Panel in advance of the hearing; at the same time a set of papers will be sent to you and the Presenting Officer representing the Trust. You should try to submit all your documentation at the same time, but any additional information must be submitted at least 5 days before the hearing.

Primary school appeals for the new intake will be heard within 40 school days of the appeal deadline, or before the end of the summer term - whichever is sooner.

**In-year appeals** will be heard within 30 school days from an appeal being submitted.

### **.Appeal Panel Procedure**

The Panel must first consider whether the school's published admission arrangements comply with the mandatory requirements of the School Admissions Code. They must also decide if they were correctly applied in your child's case.

You will then have the opportunity to state why you are appealing against the decision. Any additional information to support your appeal should be provided in advance, as the Panel may have insufficient time to consider any evidence provided on the day of the hearing.

The Panel will balance both cases. If it finds that the admission authority's case is stronger, it will uphold the decision not to offer your child a place. If the panel decides that your case is the stronger, it will uphold your appeal and your child will be awarded a place at the school. However, the Panel must bear in mind the limited reasons for upholding an appeal in the case of Infant Class Size Legislation.

## **Appeals for late applications**

Such appeals should be included with those being heard for the same admissions round. However, if this is not feasible, appeals for late applications must be heard within 30 school days of the appeal being lodged.

### **The decision**

The Clerk to the Appeal Panel will advise you of the outcome in writing within five school days if possible. If you are unsuccessful you can still ask for your child's name to be kept on a waiting list.

The decision of the Independent Appeal Panel is binding, both on the appellant and the school, and cannot be overturned except by judicial review.

If, after your appeal, you are concerned that it did not comply with the code or was set up incorrectly, you have the right to complain to the Education Funding Agency (when the school is an academy). The EFA, who act on behalf of the Secretary of State, cannot overturn the decision of an Appeal Panel but may decide to investigate the complaint if it considers there are sufficient grounds to do so.

<https://www.gov.uk/schools-admissions/complain-about-the-appeals-process>

### **For more information**

This document is intended to help you in your appeal against the Admission Authority's decision not to offer your child a place at your preferred school.

The information in these notes is for guidance only and is based on the Code of Practice for School Admission Appeals published by the DfE. This document, and a related Code of Practice on school admissions generally, is available from the DfE website [www.education.gov.uk](http://www.education.gov.uk).

Specific information about the appeals process is available at <https://www.gov.uk/schools-admissions/appealing-a-schools-decision>.

The legal basis for Appeal Panels is contained in the School Standards and Framework Act 1998.

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Page 5 and supporting documentation should be returned

# Cirrus Primary Academy Trust – Appeal form

Please use this form for admission appeals for all schools and academies within Cirrus Primary Academy Trust



Name of child:

Date of birth:

Application reference (if applicable):

Home address:

Postcode:

Home telephone:

Mobile telephone:

Email address:

Name of school/academy for which you are appealing:

## Reasons for Appeal:

(Please continue overleaf or on a separate sheet if you wish remembering to enclose any supporting evidence)

EQA 2010: If you believe your child has a disability, please tick this box

Signed  
(parent/carer):

Print name  
Mr/Mrs/Ms/Miss/Dr:

Date:

Please return this form and supporting evidence to Lisa Tilleray, Admissions Officer, Cirrus Primary Academy Trust, Stanley Park Infants' School, Stanley Park Road, Carshalton.SM5 3JL