



Admission Appeals - Derby hub

Alvaston Junior Primary Academy
Ash Croft Primary Academy
Carlyle Infant and Nursery Academy
Cavendish Close Junior Primary Academy
Cottons Farm Primary Academy
Hackwood Primary Academy
Lakeside Primary Academy
Reigate Park Primary Academy
Village Primary Academy

Description	By whom	Dated
Written / Amended for Derby	JG Director of Strategic Programmes	July 2019
Reviewed	KC – updated in line with LA & complaints to ESFA	31/01/23
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Appeals

Although most children are able to attend their parents preferred school, this is not always possible.

In some cases, schools are full to the maximum capacity and admitting extra pupils would be detrimental to efficient education and use of resources. In these circumstances, the admission authority is unable to admit further pupils.

The School Standards and Framework Act 1998 requires every admissions authority to make arrangements for parents to:

- express a preference for the school they want their child to attend
- give reasons for that preference

If the admissions authority is unable to offer the school place, they are legally required to give parents the opportunity to appeal against the decision not to admit their child to the preferred school.

If you want to appeal about more than one school that you have applied for and been refused admission to, you will need to appeal separately about each decision.

However, you may only appeal for any school once each school year unless there has been a significant change in your circumstances.

At the Appeal Hearing you are given the opportunity to explain to a panel of people who are independent of the school, The Harmony Trust and the Local Authority why you wish your child to go to your preferred school.

The Harmony Trust academies in Derby purchase admissions appeals support services from Derby City Council. The appeals processes are all detailed below.

You are legally responsible for making sure your child attends a school or is receiving education other than at a school.

Types of Appeals

Infant Class Size Prejudice (ICSP) Appeals These are where the infant classes, Reception, Year 1 and Year 2 have already reached the Government's legal limit of 30 pupils and if any more pupils are admitted, this limit would be breached.

If a pupil is refused admission to a school because an infant class has already reached the limit, the independent appeal panel can only allow the appeal in the following exceptional circumstances.

- Children admitted outside the normal admissions round with full statements of special educational needs or education health care plans specifying a school
- Looked after children and previously looked after children admitted outside the normal admissions round
- Children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process
- Children admitted after the panel upholds an appeal



- Children who move into the area outside the normal admissions round for whom there is no other available school within a reasonable distance
- Children of UK service personnel admitted outside the normal admissions round
- Children whose twin or sibling from a multiple birth is admitted otherwise than an excepted pupil
- Children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attended some infant classes within the mainstream school

If your child has been refused admission to a school on ICSP grounds, the panel can only offer a place to the child where it is satisfied that either the:

- Admission of additional children would not breach the infant class size limit; or
- Admission arrangements did not comply with the admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
- Decision to refuse admission was not one which a reasonable authority would have made in the circumstances of the case.

Non Infant Class Size Prejudice (ICSP) Appeals

The Panel is not restricted by the law that applies to ICSP appeals and has much more discretion when considering a family's personal, social and domestic circumstances.

If the panel agrees that a family's circumstances outweigh the school's case, the panel will allow the appeal.

How to Appeal

Appeals will need to be made directly to the academy by the deadline stated on your decision letter.

When submitting an appeal, you should:

- Include name of parent/guardian, full address, email address and contact number
- Include child's full name, DOB, gender, full address, name of current school and preferred school, date due to start at new school
- Include all your reasons for wanting a place at the school
- Include copies of any written supporting information, letters, documents or evidence which you would like the Panel to consider at the hearing
- **Please note:** If you bring evidence to the hearing which has not been previously submitted, the Panel may not consider it
- Provide reasons (if applicable) why you think that your case should not be heard as an Infant Class Size Prejudice Appeal

Appeals Process

What happens after your appeal has been submitted?

The completed appeal must be returned to the relevant academy and the academy will acknowledge receipt of your appeal in writing and forward to the School Admissions team at Derby City Council.

The Appeals Business Manager will then write to you at least 14 calendar days before the hearing tell you when your appeal will take place.



If a short notice appeal can be offered, you will be asked to sign a waiver and agree to less than the legally required notice period. The letter will also include a copy of your original appeal and the school's case.

How should I prepare you prepare for the appeal hearing?

You should:

- Read through all the papers sent to you by the Appeals Business Manager
- Make a note of any questions that you may wish to ask on the case or anything that you do not understand or you do not agree with

You can raise these points when the appeal is heard.

If you propose that someone else will represent you at the appeal, you must send a signed letter of authority saying you want them to present the appeal on your behalf.

If you have any additional need in order for you to fully participate and present your appeal, you will need to contact the Appeals Business Manager by emailing committee@derby.gov.uk.

You do not have to attend the hearing as your appeal can be considered from the written reasons you have given. However, we strongly encourage you to attend so that you can give more details for your case and answer any questions the Panel may have.

Can you take someone with you?

You can take anyone to support or represent you at your appeal hearing. This could be a friend, partner or other family member.

Local Councillors, Special Educational Needs Advisers, Social Workers and Family Support Workers may also be able to help, support or represent you during the hearing providing that this does not lead to a conflict of interest.

You can also obtain your own legal advice or representation if you wish to do so; however, the Council cannot be responsible for any costs incurred.

You cannot involve an employee of the school you are appealing for or an elected member of the Council who has a direct role in relation to school admissions in Derby.

Can your child attend?

We don't recommend that your child attends the hearing as it can be distressing for some children.

What happens at the appeal hearing

Most appeals take about 30 minutes to be heard, but they may take longer. All meetings have returned to face to face meetings. More than one appeal is heard during the day, so there may be a delay in starting your appeal.

The clerk will collect you from reception. The Chair will introduce themselves and allow everyone present to introduce themselves. They will explain the format for the hearing, this is usually:



1. A representative from the admissions authority will be asked to explain why admission has been refused to your child. This will be based on the papers sent to you before the hearing.
2. You will have an opportunity to ask any questions about the admissions authority's case. Your questions must relate to the case presented by the admissions authority. You should not talk about your case at this point.
3. The panel will ask the admissions authority questions about the case they have put.
 - If your appeal does not relate to Infant Class Size Prejudice, there will then be a short adjournment for the panel to decide if the authority has made its case, if so, they will move to the next stage.
 - In Infant Class Size Prejudice appeals there is no adjournment, the case moves on without a break.
4. You will then put your own case to the appeals panel. The panel and the admission authority's representative will have already seen your written form and any evidence that you have submitted. However, you may want to give some more detail about your reasons for the appeal.
5. The admissions authority's representative will then have the opportunity to ask you and questions relating to your case.
6. The panel can ask you questions to clarify anything about your appeal.
7. After both side have been given a chance to say all they want to, the panel will ask both parties to summarise their case.
8. You and the admissions authority representative will then leave the call.
9. The panel will not make their decision immediately. Several appeals may be held on the same day and decisions will not be made until all the appeals have been heard.

When will you know the decision?

The Appeals Business Manager will write to you to let you know the Panel's decision as soon as possible after the hearing and within 7 calendar days.

What happens if my appeal is successful?

Your child will be offered a place at the school and the school will contact you to discuss the admission arrangements.

What if your appeal is unsuccessful?

The decision of the Panel is final and binding on parents, the Council and the school. Derby City Council staff, City Councillors or even Members of Parliament cannot change the decision.

You could contact the Admission Section on 01332 956988 or email admissions@derby.gov.uk for advice about getting a place at another school, or to check where your child is on any waiting lists. It is important to note that children can move both up and down waiting lists and there is no guarantee that a place will become available.

Further Appeals

You have the right to appeal for the same school once every academic year.

However, the law says if your situation or that of a child or the school you were appealing for changes significantly, you **may** be able to have another appeal within the same year. If you think this is the case, you should contact the Appeals Business Manager by emailing committee@derby.gov.uk.



Making a complaint

If you consider that the Panel did not follow the procedures properly, you can complain to the Education and Skills Funding Agency (ESFA) – any complaints about academy appeal panels are investigated by the ESFA.

Please visit the website for further information [School admissions: Complain about the appeals process - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/school-admissions-complain-about-the-appeals-process). If you require a paper form instead contact the ESFA on 0370 000 2288.

Further Independent Advice

You may find it useful to contact the Advisory Centre for Education (ACE) – an independent national advice service centre for parents of children in state funded schools. They offer information and advice on education, including school admission appeals.

They can be contacted online via <http://www.ace-ed.org.uk/> website or by telephone on 0300 011 5142.