



## **Lynch Hill School Primary Academy Admission Appeals: A Guide for Parents or Carers**

### **What is the Admission Authority?**

This is the body which has responsibility for the Admissions policy of the school. Lynch Hill School manages its own admissions because it is its own admissions authority. It is not managed by Slough Borough Council.

### **How do I submit an appeal?**

The first step is to carefully complete an appeal form which should be returned to the Clerk at the address at the end of this leaflet.

The Clerk will acknowledge receipt of your appeal form within one week. If you do not hear anything within that time, please ask the school to check that the form has been received.

A copy of your appeal form will then be sent to the school who will prepare a statement detailing how the school's admission criteria have been applied and the reasons for not offering your child a place at Lynch Hill.

The school also supplies to the Clerk copies of any relevant previous correspondence, including your application form, if applicable. All this information will be circulated to you and the Panel before the hearing.

You can submit written material in support of your appeal up to the appeal date, although it would be helpful if you submit the material as early as possible.

You will receive ten school days' notice of the date and time of your appeal. You will be informed of the venue, as well the names of the Panel Members and the procedure to be followed at the appeal. You will also be sent a copy of the admission authority's statement before the hearing.

### **Who sits on an Appeal Panel?**

Panels are made up of three members. At least one member must have experience of education provision (such as a parent of a child at school or an ex-teacher) and at least one must be a "lay" member, without any experience in education. None of the Panel will have any connection with the school or the allocation of places.

### **Who attends the appeal?**

You have a right to attend the hearing and it is very helpful if you can attend to put your case. A friend or another family member may also attend to support you or help you put your case. Legal representation is seldom required and you should be aware that the Panel is unable to pay any of your costs.

If you decide not to attend the hearing and do not request an alternative time or date, your appeal will be heard in your absence based on the written material you have submitted.

A representative from the school which is the admission authority, which may be the school's Headteacher, attends to put the school's case and answer any relevant details as required by you or the Panel.

The Clerk to the Appeal Panel will be present throughout the hearing. The Clerk has no role in the decision making process but is an independent source of legal advice and takes a note of proceedings.

### **What will happen at my appeal?**

Hearings should be as informal as possible but the normal procedure is as follows:

- i) The Chair will welcome you to the appeal, outline the procedure and introduce to you the other Panel Members, the school's representative and the Clerk.
- ii) The school's representative will begin by explaining why your child has not been offered a place at your preferred school. If you or the Panel wish to ask any questions on what has been said this is the time to do so.
- iii) The Chair will then ask you to put your case. You will be given 20 minutes for your appeal hearing which is simply a guideline on the amount of time required although you may take as much time as you need and it is important that you tell the Panel everything that is relevant to your case. Please be mindful that there are other appeals scheduled on the same day. The Panel and the admission authority's representative will then ask you questions on what you have said.
- iv) The Chair will give both parties the opportunity to sum up their case before being asked to leave the room
- v) The Panel will then discuss the appeal in private and come to a decision which will be recorded by the Clerk

Appeals are timetabled and every effort is made to keep to your appointed time. Please note that there is occasionally some delay if previous appeals have taken longer than expected.

### **How is the decision made?**

#### **Infant class size appeals – Reception, Year 1 and Year 2**

The School Standards and Framework Act 1998 states that there cannot be more than 30 pupils in an infant class (Reception, Year 1 or Year 2). In most cases, the school will have refused to admit your child because to do so would cause a class to breach the legal limit of 30. If yours is an infant class appeal, this will be explained in the papers circulated before the hearing. If you are unsure, contact the Clerk.

It is important to note that for this type of appeal, the powers of the Appeal Panel are extremely limited and Panel Members are only allowed to consider strict criteria as set out by the **current** Appeals Code.

An infant class appeal may only be allowed if any of the following criteria apply:

- a) The admission of your child would not breach the legal limit
- b) The admission criteria were not lawful

- c) The admission criteria were incorrectly or impartially applied and your child would have been offered a place if they had been correctly and impartially applied
- d) The decision to refuse was not one which a reasonable admission authority would have made in the circumstances of the case.

To find a decision 'unreasonable', the panel would consider that, given all the information available to the admission authority at the time "no sensible person who had applied his mind to the question could have arrived at it'

It is only in rare cases that an Infant Class Appeal is allowed.

### **Standard appeals**

In years 3 to 6, where the infant class size limit does not apply, the Panel will follow two stages when making their decision.

The first stage examines the school's decision to refuse admission. This is where the Appeal Panel will consider the school's case and whether:

- a) The admission arrangements complied with the mandatory requirements of the School Admissions Code 2014 and Part 3 of the School Standards and Framework Act 1998;
- b) The admission arrangements were correctly and impartially applied in the case in question.
- c) The admission of an additional child would prejudice the provision of efficient education or efficient use of resources.

If the Panel finds that the admissions criteria were unlawful or were incorrectly applied, or they find that the admission of your child would not cause prejudice to the school then they will allow the appeal.

If two or more appeals being decided for the same school and the Panel find that admission would not cause prejudice, the Panel will decide how many could be admitted without prejudice to the school and allow appeals up to that number.

If the Panel does find that the admission of another child would cause prejudice, then the Panel will move on to the second stage. This is when they will balance the arguments between the Lynch Hill's case for refusing and your case for admitting your child to the school. The panel will take into account your reasons for expressing a preference for the school, including what Lynch Hill can offer your child that other schools cannot.

If the panel considers that your case outweighs the prejudice to the school then they will allow the appeal. If it finds that the school has a stronger case then it will refuse the appeal.

### **When will I find out the decision?**

The Clerk will write to let you know of the Panel's decision. If appeals for the same school are heard over a number of days this may delay the decision. You will be told at the hearing when you should receive the decision.

The decision of the Appeal Panel is final and binding and there is no right of appeal against this decision. However, other bodies such as the Education Funding Agency can consider complaints if you believe that the Panel or the admission authority has not followed the correct procedures.

### **Further information - appeals**

For any enquiries or information regarding the admissions process contact the school office. For any enquiries or information regarding the appeals process contact The Clerk to the Appeals Panel.

The statutory School Admission Appeals code can be found on the Department for Education website [www.education.gov.uk](http://www.education.gov.uk)

Independent advice and information on school admissions and appeals can be obtained by contacting the Advisory Centre for Education (ACE) on 0808 800 5793 or via [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

For information relating to schools or waiting lists please contact the school office.