REDRIFF PRIMARY
CITY OF LONDON ACADEMY

Salter Road
|Rotherhithe |London | SE16 5LQ
Tel: 0207 237 4272
Email : office@redriff.southwark.sch.uk
Headteacher: Joanna James
Chair : Kathrin Hanki

Admissions Appeals - Primary

Guidance for parents and carers on infant class size admission appeals for Southwark community schools - (Reception, Year 1 and Year 2)

Completing and returning the appeal form

- You need to complete and return the form to the Admission Appeals Company. If your appeal is in relation to more than one school or child, you must complete a separate form for each school or child you wish to appeal for.

- You should return the appeal form by the specified date on the covering letter. You may post or email your completed form to the address specified in the document.

- You are asked to fill in all the details required on the form, including your child's details and your contact details. The Admission Appeals Company is independent of the Southwark school admissions team and has no access to the information you have already provided on your school application form.

- If you have any additional supporting documents which you feel are relevant to your case, you should submit these with your appeal form. Do not delay in returning your appeal form as you can submit additional information at any time up to the hearing. Please remember if you provide information too close to the hearing, the panel may decide to adjourn to allow all parties time to consider it.

- When we receive your form we will send you an acknowledgement letter or email and further information about what happens at the appeal hearing. You can also download this information from the Council's website. If you do not receive this, please contact the Admission Appeals Company to ensure we have received your form.

Infant class size appeals

This legislation applies to admissions in to Reception, Year 1 and Year 2 where the size of an infant class is limited to 30 pupils per school teacher. Where your child has been refused admission to a school on the grounds of infant class size, the appeal panel can **only** consider the following matters in relation to your appeal:

(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 School Admissions Code and Part 3 of the School Standards and Framework Act 1998;

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(c) Whether the admission arrangements were correctly and impartially applied in the case(s) in question; and

(d) Whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.

If you do not refer to these specific areas in your appeal, we will contact you when we receive your form and ask you to provide grounds for your appeal under these areas.

- Any information you submitted to support your original application for a place will be provided to the panel, along with a copy of your application.

- The panel can only consider the information you submitted at the time when the decision to refuse a place was made. The panel **cannot** consider any new evidence in support of your case that you did not submit before the admission decision was made. However, the Panel may consider evidence that could reasonably have been available to the admission authority at the time of taking the decision to refuse admission to your child.

- The panel will also consider any new material you provide in support of your view that the admission arrangements were not properly applied or that the admission authority acted unreasonably.

What happens before the appeal hearing?

- At least **10 school days** before the hearing (unless you have agreed to a shorter notice period) we will send you a letter giving notice of the date, time and venue for your hearing. We will also inform you of the clerk's name, people who will be present at the hearing and the names of the panel members.

- The clerk will then send you a set of case papers **7 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
  - your completed appeal form
  - any additional documents you have submitted
  - the admission authority's written statement
  - 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 attend the hearing, as it will allow you to ask any questions you may have and the panel members can also ask you questions.

- You may bring a friend or adviser with you to the appeal hearing. This person can come into the hearing with you and can help you present your case - this can include the School

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Preference Adviser (SPA), a locally elected politician or social worker.

- 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 given 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 be decided on the written information submitted.

- 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.

Who is at the hearing?

- The panel that will consider your appeal has three members and includes at least one lay representative and at least one representative with educational experience or a parent of a child in school. None of the panel members has any connection with the school concerned.

- A clerk is appointed to take notes and to advise the panel on issues of procedure and law.

- A representative of the admissions authority 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, or a representative of the admissions authority. 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.

What happens at the hearing?

- Where there are a large number of appeals for a particular school to be considered the hearings will be grouped. This means that for the first stage of the hearing (the admission authority's 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.

- The chair of the panel will ask you and everyone else present to introduce themselves. S/he will then check that you are aware of the procedure and will confirm the legal status of the panel.

- The admissions authority's representative will then present their case to the panel. They should explain the admissions criteria, how the places were allocated and why

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there would be a breach of the infant class size limit if any additional pupils were to be admitted to the school.

- You can ask the representative(s) any questions you have about the admission authority's case and the panel may also ask the admission authority questions.

- During the next stage of the hearing you will be the only appellant with the panel. You will then 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. You should tell them anything you think may be relevant, no matter how unimportant it may seem to you.

- The representative of the admissions authority and the panel may ask you any questions.

- The admission authority 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 admissions authority leave the room please ensure you have said everything you want to say.

How do the panel reach their decision?

- Where your child has been refused admission to a school on the grounds of infant class size, an appeal panel may **only** uphold an appeal where:

(a) it finds that the admission of additional children would not breach the infant class size limit; or

(b) it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied: or

(c) it decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

The panel must then determine whether your child would have been offered a place if the contravention had not occurred. If your child would have been offered a place, the panel must uphold the appeal at this stage unless a significant number of children are affected and admitting all the pupils would cause serious prejudice to the school.

In coming to its decision the panel can only consider the material that was available to the admission authority at the time when it made its decision, or material which would reasonably have been available to the admission authority if it had acted reasonably. The panel can also consider any fresh material you wish to submit to prove that the arrangements had not been properly implemented; or

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The School Admission Appeals Code requires that, for the panel to determine that an admission authority's decision to refuse admission was unreasonable, it will need to be satisfied that the decision to refuse to admit your child was "perverse in the light of the admission arrangements", that is, 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".

How will I know the panel's decision?

- You will be sent a letter confirming the decision and explaining the reasons for it. The letter will be posted to you as soon as possible, but in any event, five school days of the hearing, wherever possible. The Clerk will advise you of the likely timescale at the hearing.

What happens after the appeal?

- 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 your child's admission.
- 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.
- If you feel that the procedure was not properly followed by the Appeal Panel, or you consider the decision was unreasonable in law you may wish to consider making a complaint to the Local Government Ombudsman. The Clerk will be able to give you further information.

Further information and contact details

- If you have any questions or need further information on the admission appeal process contact the administrator at the Admissions Appeals Company by email at admissionappeals@btinternet.com
- 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 by email at schoolpref@southwark.gov.uk or by telephone on 020 7525 5211.
- If you need information on the availability of places at other schools in the borough or on the waiting list position of your child contact the School admissions team by email at schools.admissions@southwark.gov.uk or by telephone on 020 7525 5337.
- Southwark Council's website has information on schools, admissions and appeals at www.southwark.gov.uk/schooladmissions

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- You can view a copy of the School Admission Appeals Code on the Department for Education website at www.education.gov.uk.

- 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 www.ace-ed.org.uk