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ADMISSION APPEALS INFORMATION

The Olive School, Preston

Guidance and advice on school admission appeals

The information below is for parents of children refused admission by the school. You will find it useful to read it alongside the information, which is available on Lancashire County Council's website at www.lancashire.gov.uk

Right of appeal

1. Parents have the legal right of appeal to an independent appeal panel against the decision not to offer admission at the school. Lancashire County Council (LCC) administers the appeals process on behalf of the school.

2. Parents who wish to appeal for must contact the school admissions service for an appeal form via admissions@staracademies.org or Admissions Service, Star Academies c/o Eden Boys' School, Preston, Universal House, Adelaide Street, Preston, Lancashire PR1 4BD

3. If you decide to appeal, you are advised to set out your grounds for the appeal on the form. You can provide as much information as you wish, with the appeal form, in support of your appeal.

Timelines for appeals

1. Parents will be given at least 20 school days to prepare and submit their written case to the independent appeal panel.

2. As long as the completed appeal form is returned by the deadline date, the appeal will be heard within the timescale listed below:-

    a) For all Reception year applications received on time, appeals will be heard within 40 school days of the deadline for submitting appeals;

    b) For all Reception year applications, appeals should be heard within 40 school days from the deadline for submitting appeals where possible, or within 30 school days of the appeal being submitted;

    c) For applications for in-year admissions, appeals will be heard within 30 school days of the appeal form being submitted.

3. Parents will normally receive 14 days' notice of the place and time of the hearing, if they wish to attend, in order to present the case in person. All relevant papers, which will include the information listed below, will be sent before the appeal hearing:

    a) How the admission arrangements and co-ordinated admissions scheme apply to your appeal;

    b) The reasons for the decision to refuse admission and;

c) An explanation as to how admission of an additional child would cause prejudice to the provision of efficient education or efficient use of resources.

About the appeal

1. Parents are advised to attend in person and, if required, to bring along a friend or representative to support you at the appeal hearing.

2. The independent appeal panel, which is made up of 3 members and is independent of the school and LCC, will hear your case. A representative from the school will attend the hearing to present the case on behalf of the school. A clerk from LCC will be present throughout the hearing to take notes and to offer procedural advice.

3. Either the clerk or the chair of the independent appeal panel will notify all parties of the order of the proceedings in advance of the hearing. This is likely to be as follows:

   a) Case for the school

   b) Questioning by the parents and the panel

   c) Parents case

   d) Questioning by the school representative and the panel

   e) Summing up by the school representative

   f) Summing up by parents

4. The order of the hearing listed above may have to be varied slightly for grouped appeals.

Reaching a decision

1. Panels must follow the two stage decision making process below for all appeals except for infant class size appeals.

2. In reaching a decision, the appeal panel must consider the matters listed below in relation to each appeal:

   a) Whether the admission arrangements complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and

   b) Whether the admission arrangements were correctly and impartially applied in the case in question.

3. The panel must then decide whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources.

4. The panel must allow the appeal at the **1st stage** where:

    a) It finds that the admission arrangements did not comply with admissions law or had not been 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

    b) It finds that the admission of additional children would not prejudice the provision of efficient education or efficient use of resources.

5. The panel must proceed to the **2nd stage** where:

    a) It finds that the admission arrangements did comply with admissions law and that they were correctly and impartially applied to the child; or

    b) It finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied but that, if they had complied and had been correctly and impartially applied, the child would not have been offered a place; and it finds that the admission of additional children would prejudice the provision of efficient education or efficient use of resources.

2nd stage = balancing the arguments

The panel must balance the prejudice to the school against the parents' case for the child to be admitted to the school. It must take into account the parents' reasons for expressing a preference for the school, including what this particular school can offer the child that the allocated or other schools cannot. If the panel considers that the parents' case outweighs the prejudice to the school, it must allow the appeal.

Consideration of prejudice

Whilst the panel must take into account the school's published admission number, the admission authority must be able to demonstrate prejudice over and above the fact that the published admission number has already been reached. The panel must not reassess the capacity of the school, but must consider the impact on the school of admitting additional children. In reaching a decision as to whether or not there would be prejudice, the panel may consider the following factors:

a) What effect an additional admission would have on the school in the current and following academic years as the year group moves through the school;

b) Whether any changes have been made to the school's physical accommodation or organisation since an admission number was originally set for the relevant year group;

c) The impact of the locally agreed 'Fair Access Protocols';

d) The impact on the organisation and size of classes, the availability of teaching classes and the effect on children already at the school.

Infant Class Size Appeals

The law around infant class size limits the size of infant class to 30 children per school teacher. Only in very limited circumstances can admission over this limit be permitted.

Where the school refuses to admit a child on the grounds that an additional child would breach the infant class size limit and there are no measures the school could take to avoid this without prejudicing the provision of efficient education or efficient resources, the panel must follow the 2 stage decision making process outlined below.

1st stage – examining the decision to refuse

1. The panel must consider all the following matters:

   a) Whether the admission of additional child / additional children would breach the infant class size limit;

   b) Whether the admission arrangements complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards 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 admission was one which a reasonable admission authority would have made in the circumstances of the case.

2. The panel may only allow the appeal at the 1st stage 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 and the child would have been offered a place if the arrangements had complied or had been 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.

3. The panel must dismiss the appeal at the 1st stage where:

a) It finds that the admission arrangements did comply with admissions law and were correctly and impartially applied; or

b) It finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied but that, if they had complied and had been correctly and impartially applied, the child would not have been offered a place; and

c) It finds that the decision to refuse admission was one which a reasonable admission authority could have made.

2nd stage – comparing cases

The panel must compare each parents' case for their child to be admitted and decide which of them, if any, to allow. Where the school could admit a certain number of children without breaching the infant class size limit (or without needing to take measures to avoid breaching it that would prejudice the provision of efficient education or efficient use of resources), the panel must allow the appeals of at least that number of children.

Consideration of 'reasonableness'

The threshold for finding that an admission authority's decision to refuse admission was not one that a reasonable admission 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'.

Notification of the decision

The decision letter, which will include the reasons for the decision will be communicated to all parties as soon as possible after the hearing.

Further appeals

Parents do not have the right to a second appeal in respect of the same year group, unless in exceptional circumstances, the school has accepted a 2nd application from the parents because of a significant and material change in the circumstances of the parents, child or school but were still refused admission.