



## **School admission appeals**

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## Introduction

### Your right to appeal

If you have been refused admission to your preferred school, your child's name will be placed on the waiting list and you have the right, by law, to appeal to an independent appeal panel.

It should be noted that the waiting list and your position on it have no bearing on the appeal process. Waiting lists are managed by the School Admission Team and are refreshed annually.

When considering whether to appeal, it is important to note that although the law allows you the opportunity to appeal against admission decisions, it does not give your child the right to a place at your preferred school. There is no guarantee that your appeal will be successful.

If you are appealing for a place at your preferred school, you should make arrangements for a place at an alternative school in case your appeal is unsuccessful.

Accepting a place at another school does not affect your right to appeal for the school you prefer.

If you do not wish to accept an offer of a school place, either because your circumstances have changed or you are unhappy with the alternative offer made, you must confirm this in writing to the school admissions team.

No offer will be made if you are currently attending a local school unless an alternative is requested

Children with an education, health and care plan cannot appeal through this process and must appeal through the [Special Educational Needs and Disability Tribunal](#)

### Who will deal with your appeal?

If your child has been refused admission to your preferred school(s) and you wish to find out more about available school places in your area, where your child is on the waiting list, or discuss how to apply for a school place please contact the School Admissions Team at [admissions@devon.gov.uk](mailto:admissions@devon.gov.uk) or call [0345 155 1019](tel:0345 155 1019).

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If you would like to read a more detailed guide to the appeals process we have made the following admissions [appeal guidance for parents](#) available.

If you have further questions on the appeals process after reading all the information provided, or you would like to speak to the School Appeals Clerk about your appeal, please contact [appeals@devon.gov.uk](mailto:appeals@devon.gov.uk) or call [01392 381362](tel:01392381362).

## **Admission appeals timetable -**

### **When are appeals held?**

Appeal hearings are held during the working day. **They are not held at weekends, in the evening or (usually) during the school holidays.**

Generally, we cannot accommodate working patterns and therefore you may need to book time off work. If you know that you cannot attend an appeal on certain dates (for example, you are on holiday) please include this information on the appeal form. If possible, we will try to avoid hearing your appeal on these dates.

Appeal hearings are usually held remotely via Microsoft Teams. They could also be heard at the Council offices on Topsham Road in Exeter, or at other external venues.

You will receive email notification of the date, time and arrangements for your hearing no later than 14 calendar days before the hearing. The notification will include the school's submission and a deadline for the submission of any further evidence you may wish to provide other than that already included with your initial appeal form.

### **Appeals timetable for normal round entry**

Each year, we will publish an appeals timetable for the normal round admissions by 28 February. We are required to set out the appeals timetable for the normal round of admissions into reception and year 7 in September.

### **Primary reception class appeals**

National offer day is 16 April 2024.

The deadline for lodging appeals is 31 May 2024 (we will aim to hear these appeals within 40 school days of this deadline).

Appeal hearings are scheduled throughout June and July. Appeals not received by the deadline may have to be heard in September.

### **Junior transfer appeals**

National offer day is 16 April 2024.

The deadline for lodging appeals is 31 May 2024 (we will aim to hear these appeals within 40 school days of this deadline).

Appeal hearings are scheduled throughout June and July. Appeals not received by the deadline may have to be heard in September.

## **Secondary transfer appeals (year 7) and appeals for normal round transfers to studio schools and university technical colleges (year 10)**

National offer day is 1 March 2024.

The deadline for lodging appeals is 31 March 2024 (we will aim to hear these appeals within 40 school days of this deadline).

Appeal hearings are scheduled throughout May and June. Appeals not received by the deadline may have to be heard in September.

## **Sixth form appeals (year 12)**

Each sixth form sets its own offer day during the academic year. This will generally be in the spring or summer term.

The deadline for lodging appeals is no less than 20 school days from a refusal (we will aim to hear these appeals within 40 school days of this deadline).

Appeal hearings are scheduled throughout May and June. Appeals not received by the deadline may have to be heard in September.

Where an appeal is on the grounds that academic criteria were not met when exam results were published during the summer holidays, they will be within 30 school days of confirmation of those results.

## **In-year admission appeals**

For in-year admissions into any academic year group, we will aim to hear these within 30 school days of being received by the appeals office.

## **About admission appeals -**

### **Attending the appeal hearing**

You will be invited to attend the appeal hearing and present your case. If possible, you should do this as it's very helpful for members of the independent appeal panel to hear, first-hand, why you want your child to attend a particular school.

You may bring along your partner, a friend, adviser, interpreter or signer to the appeal with you (if you need an interpreter, please let us know when you appeal as we can organise this for you). Your child is also allowed to attend the appeal if you feel this is appropriate.

If you do not wish to attend the hearing, your appeal will be heard in your absence and considered on the written evidence you have provided with your appeal form. This also applies if you do not arrive for your arranged hearing.

It is not permissible for a representative of the school you are appealing for to accompany you to the hearing or provide letters of support.

## **If you have a disability**

If you have a disability and/or need any special arrangements, please state this on the appeal form.

## **Who will hear your appeal?**

Your appeal will be heard by an independent appeal panel composed of three volunteers. All panel members are appointed and trained in accordance with the School Admission Appeals Code.

Either a school admissions officer or a school representative will attend the appeal hearing to present the case as to why your child cannot be admitted to your preferred school and answer any questions that you or the members of the independent appeal panel may have.

An appeals clerk will attend to take notes at the hearing and provide advice and guidance about the procedure and arrangements. The clerk will play no part in reaching a decision on your case but will remain with the panel members while they make their decision.

Please try and be on time on the day of your hearing. You will be admitted to the hearing and the basic procedure of the hearing will be explained.

## **What sort of information should I provide?**

Your appeal should include the reasons why you want your child to go to the school you prefer. Also, include any reasons why you believe your child's year group at the school is not actually full.

Whatever your reason for appealing, you should provide in advance as much information in support of your appeal as you can. This might include personal circumstances, such as medical advice. Where this is relevant, it is helpful to provide copies of doctor's notes.

Please note that the late introduction of evidence may not be considered by the panel.

## **Infant class size appeals (reception and year 1 and 2) -**

Government regulations limit the size of an infant class (reception, year 1 and year 2) with one teacher to **30 pupils**.

The admitting authority can refuse to give a child a place if it would take a class over 30 pupils and cause 'class-size prejudice'. Only in very limited circumstances can admission over the limit of 30 pupils be allowed.

It may be more appropriate to consider these cases as reviews of the original decision rather than an appeal to which new evidence can be presented. This means that the panel can only review the decision to refuse admission based on the information that was known at the time of the application.

**The grounds for allowing an infant class size appeal are extremely restricted and the panel can only allow these appeals on very limited grounds, for example, either the admitting authority has not processed the application correctly or the decision to refuse was completely unreasonable.**

Independent appeal panels hearing an infant class size appeal have no power to consider personal reasons such as:

- childcare arrangements
- children attending different schools
- travel or work arrangements
- academic performance
- health and medical grounds

The panel **must** dismiss cases that are based on these reasons alone.

**Please bear this in mind when considering an appeal for reception and years 1 or 2 where there are 30 pupils in the class, or continuing with your hearing, as parents often find it frustrating when they realise the limited powers of the panel.**

If you are considering an appeal for these year groups, you are advised to contact either the School Admission Team or the Appeals Office for further information about the law relating to infant class sizes.



## **Two-stage appeal process -**

If you are appealing for a place for your child in year groups 3 to 11 (or year groups reception, 1 or 2 where there are not 30 pupils in a class), your appeal will follow the two-stage process.

### **Stage one: (about the school's circumstances)**

The presenting officer will present the case of the admitting authority, explaining why a place could not be offered for your child at your preferred school.

You and the panel may question the presenting officer on what has been said.

The panel will, separately from any other party except the clerk, consider whether the admission arrangements comply with the School Admissions Code the School Standards & Framework Act 1998, whether arrangements were correctly and impartially applied and whether additional children would 'prejudice the provision of efficient education or the efficient use of resources.'

If the panel decides that the arrangements did not comply or were not correctly applied in your case, or that the year group is not full, the hearing will not go on any longer.

If yours is the only appeal for the school, your child will be admitted.

Where there are multiple appeals for the same school and some but not all of the applicants could be admitted, the hearing would move to stage two to consider which children should be admitted.

### **Stage two: (about your personal circumstances)**

If the appeal moves on to stage two, the panel is satisfied that the admitting authority met their obligations (listed above) or the panel is not satisfied but does not believe all of the appellants can be admitted.

You will then be invited to present your case independently of any other parents who are appealing and explain why you are appealing against the admitting authority's decision.

You should mention all the reasons why you feel the school you are appealing for is the best option for your child, and what extenuating factors justify your child getting a place even though the panel has agreed that there was a good reason for turning you down.

The panel and presenting officer may question you about what you have said. All parents will be interviewed individually before any final decisions on admission are made.

## The panel's decision -

### How does the panel decide?

The panel considers all the evidence presented and the answers given to any questions during the hearing when making their decision. The panel must balance the prejudice to the school of admitting another child against your reasons for wanting a school place. The appeal panel will decide either to:

- uphold the appeal – in which case your child will be admitted to the school, or
- dismiss the appeal – in which case you will not be offered a place at the school

The decision of the panel is binding on the school and Local Authority.

You will receive an email by the next working day with the outcome of your appeal and you will receive a decision letter explaining the reasons for this within five working days of the appeal.

**Please note:** where multiple appeals for the same year at the same school are heard over several days, decisions are not made until after the last appeal is heard, so you will receive notification of the decision after the last day of appeals.

### If your appeal is successful

If your appeal is successful, a place will be made available at the school. For normal round admissions into reception and year 7, a place will be made available for the start of the school term in September. For in-year appeals, you may wish to contact the school directly to arrange a start date.

### If your appeal is not successful

If your appeal is unsuccessful, there is no further right of appeal until the following academic year.

If you believe that the appeal panel acted improperly or unreasonably in considering your case, you can complain to the [Local Government and Social Care Ombudsman](#) or, in the case of academies, [the Department for Education \(DfE\)](#). The ombudsman can investigate whether the correct procedures were followed but they cannot overturn the decision of the panel.

### Withdrawing your appeal

If you change your mind, you can withdraw your appeal. You can withdraw your own appeal

via the [school appeals portal](#), or email [appeals@devon.gov.uk](mailto:appeals@devon.gov.uk) to confirm you want to do this.

## **How to appeal -**

**We strongly advise that you read through all the information provided before you submit an appeal. This is to ensure you are fully informed of the appeals process and what circumstances the panel can and cannot consider.**

If you feel you have a case to put forward and are ready to appeal, please access the [school appeals portal](#), where you will need to create an account in order to submit an appeal. You can also log in to an existing account to check the status of your appeal(s).

If you require a paper copy to be sent to you via post, please email [appeals@devon.gov.uk](mailto:appeals@devon.gov.uk) or phone [01392 381362](tel:01392381362) to request this, however, we would advise where possible to submit your appeal via the portal above.

## **Additional evidence**

If you have additional evidence to support your appeal such as medical records, legal documentation or any other proof of circumstances which you are unable to include at this time with your appeal form, please upload this to the portal. If you are unable to do this you can send this directly to the Independent School Appeals Clerk either by email or post (details below).

**If emailing or posting evidence, please ensure you include yours and the child's full name, date of birth and the school you are appealing for along with any evidence submitted to prevent delay to your appeal.**

**Email:** [appeals@devon.gov.uk](mailto:appeals@devon.gov.uk)

**Post to:**

Independent School Appeals Clerk  
G31  
County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD