

WANDSWORTH EDUCATION APPEALS SERVICE

SCHOOL ADMISSION APPEALS – GUIDANCE FOR PARENTS AND CARERS

1. WHAT IS THE WANDSWORTH EDUCATION APPEALS SERVICE?

The Service is based in the Council's Chief Executive's Group and is independent from schools and the Council's Children's Services Department and its Pupil Services Section. Prior to the submission of your appeal form we have had no previous involvement in your case.

Please note that because we are independent of the Council's Children's Services Department and schools we have no access to waiting list data, or to your original application.

2. WAITING LIST POSITIONS

If you wish to know your child's waiting list position and you are applying as part of the main admission round (i.e. for September entry to either Reception or Year 7) you can find this on the Council's website

[Reception Admissions Waiting List](#)

[Year 7 Admissions Waiting List](#)

If you have made an application outside the normal time of entry, the online waiting list service may not be available, and you will need to contact the school concerned .

3. HOW WERE SCHOOL PLACES ALLOCATED?

If you are applying as part of the main admissions round (i.e. for September entry to either Reception or Year 7) further information summarising how places were allocated at the Borough's schools during this admissions round is available online.

[Reception place allocation information](#)

[Year 7 place allocation information](#)

4. COMPLETING AND SUBMITTING THE APPEAL FORM

You may appeal for a place at any school where your child has been refused a place; for Wandsworth schools which are part of the Education Appeals Service, you can do this [via the online appeal form](#).

If you require a paper copy of the form please contact the Education Appeals Service.

The Appeals Service has no access to the admissions computer system. Therefore, when you appeal you will need to fill in all your details on the appeal form.

On the form you must provide us with your current address. If you move after having completed the form you must notify the Appeals Service immediately of your change of address - any delay in you receiving paperwork relating to your appeal may result in you missing your hearing.

You should submit your appeal form within 20 school days of having been notified in writing of the decision that your child cannot be offered a place at your chosen school. Appeal forms not completed online may be posted, e-mailed or handed in at the Council's Marble Hall Reception in the Old Town Hall Building (corner of Fairfield Street and Wandsworth High Street, SW18 2PU).

5. PRODUCING EVIDENCE

You should attach to your appeal form any relevant documents, information and evidence that supports your case (e.g. doctor's letters, medical reports, evidence of address, etc). The online form has a facility for uploading documents.

You should make every effort to supply supporting documents at the same time as submitting your appeal form. Please ensure that any hard copy documents provided are single sided copies on A4 paper. Any supporting information that is submitted separately from the original appeal form should be clearly labelled with your child's name and school being appealed for and supplied to the Appeals Service by no later than five working days before the appeal hearing. **Any information submitted after the deadline might not be considered at the appeal.**

Please note that the appeal will be heard by an Appeal Panel who cannot make enquiries regarding your appeal with GPs, social workers etc. The Appeal Panel have to make their decision based on the information they have been given. Consequently, it is your responsibility to ensure all information relevant to your case is put before the Appeal Panel.

6. ADDITIONAL NEEDS

You should indicate on the appeal form if you have any additional needs which we need to make arrangements for so that you can participate in the appeals process and the hearing e.g.: disabled access, interpreters, etc.

7. ACKNOWLEDGEMENT OF YOUR APPEAL

When you submit your appeal form online you will receive an automatic acknowledgement e-mail. However, we will also send you a formal acknowledgement letter when the appeal form has been entered on our database. If you have not received a letter of acknowledgement within a week of submitting your form please call the Education Appeals Service to check that we have received your form.

8. WHAT HAPPENS BEFORE THE HEARING?

At least 10 school days before the hearing, unless you have waived your right to this notice period, **we will** give you details of the time, date and place for your hearing and the name the clerk and the Appeal Panel Members who will hear your appeal.

We will send you a set of case papers seven working days before the hearing. These include your completed appeal form and any other information you choose to submit, the admissions authority's written statement and information on admissions to the school. Please check these papers carefully to ensure that all the documents you have submitted in support of your appeal have been included. You should bring these case papers with you to the hearing.

If you cannot attend on the date or time fixed for your appeal **you should** contact the Education Appeals Service 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 in your absence and be decided on the written information submitted.

You should also tell us if you decide not to attend your appeal hearing. In these circumstances the appeal will go ahead in your absence and be decided on the written information submitted.

You should notify the Education Appeals Service if you wish to withdraw your appeal because you have been offered a place at the school in question, another school you are happy with or if you no longer wish to continue with your appeal for any other reason. **We will** acknowledge any withdrawal in writing.

9. WHO IS AT THE HEARING?

- You, if you choose to attend.
- If attending with you, your partner, relative, friend, supporter or adviser.
- The Appeal Panel (3 members).
- The clerk to the Appeal Panel.
- A representative of the admission authority and possibly a witness.
- Sometimes there is also an observer, someone who is training to be or monitoring the performance of clerks or Appeal Panel Members.

The Appeal Panel that will consider your appeal has three trained members and includes at least at least one representative with educational experience or a parent of a child in school and one lay representative who does not have educational experience. None of the Appeal Panel Members has a connection with the school concerned.

A trained clerk is appointed to take notes and to advise the Appeal Panel on issues of procedure and law. The clerk takes no part in the decision.

The representative from the admission authority in the case of voluntary aided (faith schools), foundation schools and Academies will be the Headteacher (and/or other representative of the School, such as the admissions officer or governor who will attend the hearing). In the case of community schools an officer from the Council's Pupil Services team will attend.

You are urged to attend the hearing and you may bring a friend or adviser with you. This person can come into the hearing with you and can help you present your case. **You must** let us know if you are bringing a representative or any witnesses with you.

It is up to you whether or not to bring your child to the appeal hearing. However, we normally advise against this as it may be uncomfortable for the child if they are the subject of the appeal and, in the case of other children, they might distract you and others from proceedings.

10. WHAT HAPPENS AT THE HEARING?

YOU SHOULD ALLOW ONE TO THREE HOURS FOR THE HEARING.

If your appeal is the only appeal for a particular school the hearing might take half an hour to an hour, possibly longer.

The appeal hearings are normally held in a Committee Room in the Old Town Hall Building (Corner of Fairfield Street and Wandsworth High Street, SW18 2PU). We will confirm the location when we give you the date and time for the hearing.

The appeal hearing is split into two main parts. If there is more than one person appealing for the school other parents may be present for the first part of the hearing when the school is making its case. This is because this part of the hearing concerns facts and figures about the school which is relevant to all parents. However, when you present your personal case it will be heard without any other parents in the room.

The order of the hearing is as follows: -

- a) The Chairman will explain the procedure.
- b) The Chairman will ask you and everyone else present to introduce themselves.
- c) The admissions authority's representative will then present their case to the Appeal Panel. They should explain their admissions arrangements, how the places were allocated and why there would be prejudice to efficient education and the efficient use of resources were any additional pupils to be admitted to the school.
- d) You can ask the representative(s) any questions you have about the admission authority's case and the Appeal Panel may also ask the admission authority some questions.
- e) If there are other appellants for the school you will be seen separately at this stage. You will then be asked to explain to the Appeal 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 Appeal Panel). Remember, this is your only opportunity to explain your case: tell them anything you think may be relevant, no matter how unimportant it may seem to you.
- f) The representative of the admissions authority and the Appeal Panel may ask you any questions.

- g) The admission authority representative will have the opportunity to summarise their case.
- h) 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.

11. HOW DO THE APPEAL PANEL REACH THEIR DECISION?

Please note that there are two different types of admission appeals “Two stage prejudice” appeals and “infant class size” appeals. Please read the notes below very carefully so that you are clear about which type of appeal relates to your child.

a) “Two stage” appeals.

(Includes ALL secondary school appeals and ALL primary appeals for year 4 and above. It also includes almost ALL appeals for Year 3 and SOME appeals for Reception, Years 1 & 2)

The Appeal Panel has to follow a two stage decision making process.

Stage 1 – Examining the decision to refuse admission

(i) The Appeal Panel must consider whether the published admission arrangements comply with the mandatory provisions of the School Admissions Code and the School Standards and Framework Act 1998. If the arrangements did not comply, the Appeal Panel must 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 Appeal 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.

(ii) The Appeal Panel must decide whether the school’s published admission arrangements were correctly and impartially applied in your case and, if not, whether your child would have been offered a place if they had been properly implemented. If your child should have been offered a place, the Appeal 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.

(iii) The Appeal Panel must decide whether “prejudice” (a detriment) to efficient education and the efficient use of resources would arise if any additional children were

to be admitted to the school. In considering prejudice the Appeal Panel may consider the following:

- the effect of an additional admission in the current and following academic years;
- the impact on the organisation and size of classes;
- the availability of teaching staff;
- the effect on children already in the school; and
- the current physical accommodation of the school.

If the admissions authority fails to satisfy the Appeal Panel that there would be prejudice if your child were admitted, the Appeal Panel must allow the appeal.

Where the admission authority is able to satisfy the Appeal Panel that there would be prejudice, the Appeal Panel must go on to stage two.

Stage 2 – Balancing the arguments:

The Appeal Panel must balance the prejudice to the school against your case for your child being admitted to the school. They will take into account your written representations and all you tell them at the hearing. If you have provided any supporting information in advance of the hearing this will also be considered. They must decide whether your grounds for your child to be admitted to the school outweigh any prejudice to the school. The Appeal Panel will take into account your reasons for wanting your child to go to the particular school (e.g. why you want this school in particular and what it can offer your child that other schools cannot).

If the Appeal Panel find your reasons outweigh the degree of prejudice then your appeal will be allowed. If not, it will be dismissed.

b) “Infant class size” appeals.

(Includes MOST appeals for Reception, years 1 & 2 and very occasionally SOME year 3 appeals. “Infant class size” rules do NOT apply to ANY appeals for year 4 and above).

Where a school organises its Reception, year 1 or year 2 class(es) into groups of 30 your appeal will be considered on ‘infant class size’ grounds. Infant class size rules may also apply if you are seeking a year 3 place for your child and the school has a mixed age group class(es) of year 2 and 3 pupils that are organised into groups of 30 – this is very rare in Wandsworth.

If the school you are appealing for in Reception, years 1 and 2 admits just under 30 children in a class you should address your appeal not only to the “two-stage prejudice” grounds but also to the “infant class size” grounds as the numbers of appeals could take

the school over the infant class size limit.

The grounds under which infant class size appeals can be considered are very limited, consequently the chances of success at appeal are minimal. Last year one infant class size appeal was successful. An Appeal Panel can **only** consider the following issues:-

(i) Whether the admission of an additional child(ren) would breach the infant class size limit.

(ii) Whether the published admission arrangements comply with the mandatory provisions of the School Admissions Code and the School Standards and Framework Act 1998. If the arrangements did not comply, the Appeal Panel must 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 Appeal 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.

(iii) Whether the school's admission arrangements were correctly and impartially applied in your case and, if not, whether your child would have been offered a place if they had been properly implemented. If your child should have been offered a place, the Appeal 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 Appeal Panel can only take account of the material that was available to the admission authority at the time when it made its decision**, or material which would have been available to the admission authority if it had acted reasonably (i.e. in the case of the main reception admissions round information, such as supporting medical evidence, the admission authority was or should have been in possession of on or before 16th April). The Appeal Panel can also consider any fresh material you wish to submit to prove that the arrangements had not been properly implemented.

(iv) Whether the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

Under (iv), **the Appeal Panel can only take account of the material available at the time the admission authority made its decision not to offer a place**. Exceptionally, the Appeal Panel may also consider information which would have been available if the admission authority had acted properly.

The School Admission Appeals Code requires that, in order for the Appeal 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", 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”.

Please note that the threshold for finding an admission authority’s decision to refuse a place was not one a reasonable admission authority would make is high.

(c) Appeals for admission to Sixth Forms

Where admission to a sixth form has been refused the parent or child may make an appeal.

In making a sixth form appeal, please can you indicate on the appeal form whether or not the offer of a place was conditional upon the achievement of particular examination results.

Appeals for sixth form places follow the two stage process described at paragraph 11 (a).

In the case of an appeal where the child did not reach the specified entry requirements, the Appeal Panel is not permitted to make its own assessment of a child’s ability, the Appeal Panel must decide whether the admission authority’s decision that the child was not of the required standard was reasonable in light of the information available to it.

12. BILINGUAL SCHOOLS

If you have applied for a place at a primary school with an English speaking class and a separate bilingual class please note that if you have been offered a place at the school, even if it is not in your preferred class, there is no right of appeal. If you have no place at all at the school you may appeal but you should be aware that the Appeal Panel can only decide on whether your child should be allocated a place at the school, it is unable to specify whether the place should be in the English or bilingual class.

13. HOW WILL I KNOW THE APPEAL PANEL’S DECISION?

You will be sent a letter confirming the decision and explaining the reasons for it. You will be sent this letter as soon as possible after the decision: the clerk will advise you of the likely timescale at the hearing.

14. WILL I BE SUCCESSFUL IN MY APPEAL?

Parents often ask the Appeals Service whether their appeal is likely to be successful. The Appeals Service is unable to comment on the likelihood of success in specific

cases. However, set out below are the percentage figures for the number of successful appeals in recent years:

	2012-13	2013-14	2014-15	2015-16	2016-17
Two Stage	8.9%	5.8%	13.2%	13.0%	4.2%
Infant Class Size	1.3%	0%	5.5%	2.1%	2.2%

[The Choose a Wandsworth Primary](#) and [Choose a Wandsworth Secondary School](#) brochures give details of the number of appeals heard and allowed for each school during last year's main admissions round. Please note that the numbers of appeals allowed can vary from year to year.

15. 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 or you may telephone them to make arrangements for the admission.

If your appeal is unsuccessful you do not have a further right of appeal for the same academic year.

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 one of the following: a complaint to the Local Government Ombudsman; or a Judicial Review of the Appeal Panel's decision. In the case of an Academy complaints should not be made to the Local Government Ombudsman but to the Education Funding Agency.

Please note that the Education Funding Agency and the Ombudsman cannot overturn the decision of an Appeal Panel. If the Education Funding Agency or Ombudsman finds the Appeal Panel breached the Admissions Appeals Code they may ask for a fresh appeal to be held with a different Appeal Panel.

More information on the role of the [Local Government Ombudsman](#) and the [Education Funding Agency](#) can be found on their websites.

16. CONTACT DETAILS

If you have any questions about the appeals procedure contact the Administrator to the Wandsworth Appeals Service on (Tel No.) 020 8871 7554 or (E - mail) educationappeals@wandsworth.gov.uk

If you want information on the availability of places at other schools in the Borough or contact the (Wandsworth Council) Pupil Services Section on (Tel No.) 020 8871 7316.

17. FURTHER INFORMATION

Information about schools, admissions and appeals is also available from:

The Department for Education – www.gov.uk where you will find the School Admissions Code and School Admission Appeals Code which the admissions authority, Appeal Panel and the Appeals Service must act in accordance with when conducting appeals.

www.legislation.gov.uk where you can find the School Standards and Framework Act 1998.

The Coram Children’s Legal Centre offers free legal advice on education law including advice on school admission appeals and exclusions. Coram provides online access - www.childlawadvice.org.uk - to legal factsheets and a telephone advice service on 0300 330 5485 (8am to 6pm Monday to Friday).

The Advisory Centre for Education (ACE) is an independent advice centre for parents, offering information about state education in England and Wales for 5-16 year olds. ACE offers advice on many topics like school admission appeals. You can download their booklet “Appealing for a School” from their website - www.ace-ed.org.uk. They also have an advice line on 0300 0115 142 (Monday to Wednesday 10am to 1pm).

THE KEY STEPS IN THE APPEALS PROCESS

