

WANDSWORTH EDUCATION APPEALS SERVICE

SCHOOL ADMISSION APPEALS

GUIDANCE FOR PARENTS AND CARERS

Appealing for a place at a school for your child may seem daunting - so these Guidance Notes have been written to help you through the process.

Please read these guidance notes carefully before submitting your appeal request.

THE WANDSWORTH APPEALS SERVICE

The Wandsworth Appeals Service is independent of all schools and the Council's Pupil Services team which deals with school admissions.

The Wandsworth Appeals Service is responsible for arranging appeal panels for all of Wandsworth's community primary and secondary schools and some of the Borough's academies, voluntary-aided and foundation schools.

A list of schools the Appeals Service provides an appeals service for is on the Council website at [Make a schools admissions appeal - Wandsworth Borough Council](#). If the school you want your child to attend is not on the list, please contact the school for information and advice on how to appeal.

Questions about appeals? Contact us

If you have any questions about the appeals procedure contact the Wandsworth Appeals Service by calling 020 8871 7554 or email: educationappeals@wandsworth.gov.uk

Questions about admissions? Contact Pupil Services

Pupil Services can provide information about:

- Waiting lists
- Year 6 Wandsworth Test information (for entry to Year 7)
- Your original application for a school place
- Schools with places in the Borough

On 020 8871 7316 or email: admissions@richmondandwandsworth.gov.uk

CONTENTS

INTRODUCTION.....	3
The Admissions Process and Wandsworth schools.....	3
Why appeal?	3
Transfer and In Year Appeals explained	3
THE APPEALS PORTAL	4
MAKING AN APPEAL	4
Complete an appeal form.....	5
2023 Transfer Appeal Deadlines	6
In Year Appeal deadlines.....	6
WHAT MAKES A GOOD CASE?.....	6
Preparing your case.....	6
Evidence to support your appeal	7
Deadline for evidence	7
What not to send us	8
WITHDRAWING YOUR APPEAL.....	8
THE HEARING	9
The law on appeals.....	9
What to expect before the hearing	9
Who attends the hearing?.....	9
Attending the hearing	10
In person hearings	10
Virtual hearings.....	10
The Clerk’s role.....	11
Allowing enough time for your appeal.....	11
What happens at the hearing?	11
REACHING DECISIONS ON APPEALS.....	13
Two-stage (or “normal prejudice”) decision making	13
Infant Class Size decision making.....	14
Appeals for admission to Sixth Forms	15
WHAT NEXT?.....	15
FURTHER INFORMATION	16

INTRODUCTION

The Admissions Process and Wandsworth schools

For further information about the admissions process, please see the Wandsworth admissions page at: <https://www.wandsworth.gov.uk/schools-and-admissions/admissions/>

If you want more information about schools in Wandsworth, please check out:

- The 'Choose a Wandsworth Primary School' handbook https://www.wandsworth.gov.uk/media/9335/choose_a_wandsworth_primary_school.pdf or:
- The 'Choose a Wandsworth Secondary School' handbook https://www.wandsworth.gov.uk/media/9381/choose_a_wandsworth_secondary_school.pdf

Why appeal?

The reason you are appealing is because you were refused a place at a school for your child – usually because the school says that it is full. You may appeal for a place at any school where you have been refused a place.

Parents often ask how likely it is that their appeal will be successful. We cannot answer this question as every appeal is considered on its own merits. However, as appeals usually only arise when schools are oversubscribed, an appeal is more likely to be rejected than allowed.

Your appeal will be considered by a Panel of three trained volunteers from the local community. They are independent of the school and the local authority and have no connection with the school, except they may have heard previous appeals for the school. At least one of the three will have direct experience in education; at least one member must be a lay member.

If your appeal is successful, your child will have a place at the school.

If it is rejected you cannot make a further appeal. But you may complain to the Local Government and Social Care Ombudsman (LGO) or the Education and Skills Funding Agency (ESFA) if you think that the place was refused because of a mistake by the admissions authority or that the appeal was handled incorrectly.

Transfer and In Year Appeals explained

Appeals for a school place in Reception or Year 7 (or Year 3 at Honeywell Junior School) are known as Transfer Appeals. Transfer appeals are heard in the summer term so you will know the outcome before the summer holidays.

Applying to move from one school to another, or applications to schools during the school year are known as “in year applications”. These appeals are therefore known as In Year Appeals and are dealt with as they arise.

THE APPEALS PORTAL

At Wandsworth, online appeal requests are made through our Appeals Portal <https://schoolappeals.wandsworth.gov.uk/home>. This allows you (the appellant) to track the progress of your appeal from the moment you send in your request to finding out the decision.

Things you can do through the Portal:

- **Make an appeal request.** You may appeal for one or more school – or for one or more children (siblings or twin siblings)
- **Give us your reasons** for your appeal
- Agree to **waive your right to 10 days-notice of your appeal** – this means your appeal may be heard sooner
- Confirm **you have read these Guidance notes**
- **Add information** or evidence at any time – though remember that all evidence should be added at least 3 working days before the appeal hearing
- **Ask for an interpreter** or reasonable adjustments for a disability
- **Withdraw your appeal** – if you have been offered a place at the school you wanted or another school you are happy with
- Find out the **time and date of your hearing/s**
- Get the **links to your Microsoft Teams hearing** – (if it is being held virtually)
- Find out **the decision** following the appeal hearing

Things you cannot do through the Portal:

- Amend the reasons for your appeal – though you can upload additional information after you have submitted your request form
- Upload very big documents – though the maximum limit is generous
- Upload some document formats or password protected documents

There is a separate Trouble-shooting Guide to the Appeals Portal at:

https://wandsworth.gov.uk/media/10400/appellant_portal_guidance_notes.pdf.

MAKING AN APPEAL

Since the early 1980s, there has been the right to appeal against the decision to refuse a place at a school of your preference because you would like a higher preference school, or you are unhappy with the offered school. The right to appeal is currently given under section 94 of the School Standards & Framework Act (SSFA) 1998.

Before you start, check the [appeals timetable](#) on our website to find out key dates in the appeals process. Before completing the appeal form please read these guidance notes and have copies of any documents you wish to attach to your form to hand.

Please note – if your appeal is not valid, for example because you have not applied for a place at the school, we will withdraw or reject your appeal request.

Complete an appeal form

Complete your Appeal Request Form through the <https://schoolappeals.wandsworth.gov.uk/home>.

The online form in the Portal will invite you to create an account for your appeal with a password personal to you. Once you have created your account and submitted your form, you will be able to add further information and track the progress of your appeal right up to the decision.

We will send you an email acknowledging your appeal request – so please let us know if you do not get this email.

You may appeal for a place at any school where your child has been refused a place.

If you do not have access to the internet, please telephone or email the Appeals Service and we will send you a paper form.

When completing the form (online or paper version), it is important that you tell us:

- The **reasons** you want your child to go to this school/s.
- **Your address.** When we write to you we will use the information exactly as you provide it to us on the form – so make sure you state your house number, street and full postcode. If you move, you must inform the Appeals Service immediately or you may miss your appeal hearing.
- The **school/s you want to appeal for.** Please use a separate form for each school you want to appeal for (in the Portal your personal details will be filled in automatically for subsequent appeal requests). You can give different reasons for different schools.

Remember - your appeal should set out the reasons FOR the school/s you want your child to go to, not the reasons AGAINST the school your child has been allocated a place.

- **Any additional needs** you have so that we can make reasonable adjustments for you to participate in the appeals process and the hearing – including disabled access, hearing loop, enlarged type or interpreter needs.

If in any doubt please contact the Appeals team to make the necessary arrangements.

- **If you decide not to attend the hearing, the appeal will go ahead in your absence and be decided on the written information submitted.**

2023 Transfer Appeal Deadlines

For 2023 Transfer Appeals, you should submit your appeal request by these deadlines:

Transfer round	National Offer Day	Appeals deadline	Appeals heard
Primary transfers to Reception	17th April 2023	16th May 2022	Appeals received by 16th May will be heard between 22 June to 18 July 2023.
Junior Transfers to Year 3 (Honeywell Junior School only)	17th April 2023	16th May 2023	Appeals received by 16th May will be heard between 22 June to 18 July 2023.
Secondary transfers to Year 7	1st March 2023	17th April 2023	Appeals received by 17 th April will be heard between 11th May and 15th June (except during half term)

If you miss the deadlines you will NOT lose your right to appeal - but late appeals may be heard after appeals that have been made on time or even after the summer holidays.

Appeals lodged after the deadline (known as late transfer appeals) will be heard within 40 school days of the appeal deadline or 30 school days of being received, whichever is the later date.

In Year Appeal deadlines

In year appeals will be heard within 30 school days of being received.

WHAT MAKES A GOOD CASE?

We are often asked this question – and there is no magic formula to winning an appeal. However, you will need to present the Panel with compelling reasons for wanting a place at the school – and these will need to outweigh the case not to admit another child presented by the school.

Preparing your case

You may wish to think about:

- What can the school offer that the allocated school cannot?
- Does it offer a curriculum not offered at the allocated school?
- Are there medical issues, social issues or factors such as bullying relating to your child that only this school can support? It will strengthen your case if you are able to provide evidence from a professional which says why it is essential for your child to attend the school and the difficulties that would be caused if they had to attend a different school.
- Is it nearer your home – or is the journey for your child significantly easier?
- Will your child's friends be going to the school?
- Do you have a support network or family connections linked to the school?
- Is the school more appropriate for your child (eg. is it smaller) and why?
- Why would this school be the best fit for your child?

There are other issues which the Panel may not think are as important:

- OFSTED assessments of the school or that it achieves good exam results
- That your child likes the school and/ or school uniform
- You believe your child would be an asset to the school

Evidence to support your appeal

Think about what documents you can provide as evidence to support your case.

Examples could be letters from teachers, social workers, a consultant, your GP, childminders, and employers. A letter which specifically states why a particular school would benefit your child will be given a higher weighting than a GP appointment letter.

Any supporting information that is submitted separately from the online appeal form should be clearly labelled with your child's name and school/s being appealed for. If you do wish to send in supporting evidence please ensure it is clear enough to be duplicated to send to Panel Members for them to use to determine your appeal.

All information submitted is confidential and will only be shared with the Panel, Clerk and school (admission authority).

Deadline for evidence

We will give you a final deadline for information to support your appeal - usually no later than five days before the hearing.

In exceptional circumstances the Appeals Service may bring the deadline for information forward (eg. during COVID-19 lockdowns).

If you provide additional information after the deadline, or bring new evidence to the appeal hearing, there is the possibility that it may not be permitted for consideration. The Appeal Panel will decide whether they can accept it by taking into account its significance and the effect of a possible need to adjourn, postpone or delay the appeal.

What not to send us

There are some things we cannot accept as evidence:

- Panel members receive their appeal papers through the post and to safeguard your child we will not include any photographs of them with your other evidence.
- The Panel is not allowed to consider letters of support from a teacher or other member of staff employed at the school you are appealing for - and they cannot attend hearings to support your appeal.

***** REMEMBER *****

It is your responsibility to provide all the information and evidence relevant to your appeal.

The Panel cannot make enquiries about your appeal or ask for additional information from your GP, social worker or any other person.

WITHDRAWING YOUR APPEAL

You may wish to withdraw your appeal because you have been offered a place at the school, another school you are happy with or if you no longer wish to continue with your appeal for any other reason.

You can do this by logging on to the Portal and withdrawing your appeal. We will acknowledge the withdrawal of your appeal.

If you submitted your appeal using a paper form and wish to withdraw your appeal, please telephone the Appeals Service.

THE HEARING

The law on appeals

The hearing must be conducted in accordance with law, following a procedure set out in the School Admission Appeals Code 2022. This is used by every admission authority and appeal panel in the country. You can see a copy of the School Admission Appeals Code at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1108077/School_Admission_Appeals_Code_2022.pdf

What to expect before the hearing

About ten school days before the appeal hearing, you will receive an email invitation with the date and time of your appeal. The notification email will also confirm the deadline (time and date) for any further evidence you want to submit to support your appeal. About a week before the hearing, you will be sent a statement setting out the reasons why the school could not offer your child a place. In the same pack we will also send you a copy of your appeal form and any supporting evidence you have submitted.

When you get the pack, read it thoroughly. The pack will help you understand what the Presenting Officer from the admission authority (school) is saying at the hearing. Then think about the case the school has made and whether you need to submit further information to support your case. This should be sent to us before the deadline we have given you.

***** REMEMBER *****

Check the papers as soon as they arrive and let us know immediately if anything is missing.

Please have these papers with you at the hearing.

At the back of this guidance, we have set out the **KEY STEPS IN THE APPEALS PROCESS**.

Who attends the hearing?

- You (unless you decide not to attend)
- The Appeal Panel (3 members)
- The Clerk to the Appeal Panel
- The admission authority representative/s

Sometimes there is also an Observer, such as someone who is training to be a Clerk or a Panel Member, or someone who is monitoring the performance of Clerks or Appeal Panel members.

When we hold virtual hearings there will also be a Technical Clerk to ensure everyone can connect to the hearing and remains connected throughout the hearing. All our Technical Clerks are also trained appeals clerks.

Attending the hearing

We strongly encourage you to attend the hearing to ensure that the Panel has all the information you wish them to consider. It also gives you the opportunity to answer any questions which may arise. Every effort is made to ensure that the proceedings are as informal as possible. You will be able to ask questions and will be able to explain the reasons for your appeal in your own way.

You may bring your partner, a relative, friend or adviser with you to provide support or help you present your case. You must let us know if you are bringing a representative or any witnesses with you.

There are occasions however, when parents prefer to have their appeal heard 'in absence'. If you decide not to attend the hearing, the Panel will consider the appeal on the written information available and the hearing go ahead as if you were in attendance.

It is up to you whether you bring your child to the appeal hearing. We normally advise against this as it may be uncomfortable for the child and they might distract you and others from the proceedings.

In person hearings

When hearings take place in person these are held in a meeting room at Wandsworth Town Hall. When you arrive at the hearing, the Clerk of the Panel will meet you in the waiting area and take you to the meeting room. Make sure you arrive about 10 minutes before your hearing.

You will enter the hearing room at the same time as the Presenting Officer from the admission authority (school or local authority). The Panel must never be alone with the school or local authority, except when a parent has decided not to attend. The Clerk is always present.

Virtual hearings

In April 2020, because of the coronavirus pandemic, the government introduced temporary changes to the regulations about holding school appeals. A new admission appeals code was published in October 2022 allowing for meetings to continue to take place virtually. This means you can join the appeal by telephone or video conferencing facility from your home or office, allowing for greater flexibility.

Where hearings do take place virtually, the Panel must be satisfied that:

- Everybody can fully present their case

- Each participant can access a video or telephone allowing them to be part of the hearing throughout
- The appeal can be heard fairly and transparently

When we set up hearings as a remote hearing, we use Microsoft Teams. You will be sent a meeting invitation and information about how to join the meeting by video or telephone. You can join virtual hearings using a PC or laptop, mobile or landline telephone.

We will send you full instructions and a Microsoft Teams Trouble-Shooting Guide with your appeal pack before the hearing.

The Clerk's role

The Clerk is present to take the official note of the hearing and will offer the Panel legal or procedural advice at any time during the hearing or decision-making.

It is not the Clerk's role to make recommendations, but they remain with the Panel during its deliberations to record the decisions.

The Clerk writes the decision letter on behalf of the Panel based on the notes taken during the hearing and deliberation. The Chair of the Panel then checks the letter to ensure it is an accurate reflection of the hearing and decision before it is sent to you.

Allow enough time for your appeal

Please allow plenty of time for the hearing. While we try to keep to the appointment time we have given you, on the day another appeal may over run which means your appeal may start late. This will not reduce the amount of time you have in your own hearing.

If your appeal is the only appeal for a school, hearings usually take about 1 hour.

If more there are several appellants for a school, the hearing may take up to 3 hours or take place in two parts on different days.

What happens at the hearing?

All appeal hearings are heard in two stages:

Stage 1 During Stage 1 you will hear the general reasons why an extra child could not be offered a place at the school.

For summer transfer appeals to Year 7 and Reception, the Stage 1 hearing is likely to be heard with other parents. For 'In year' appeals, this is less likely.

The Panel will question the school on its case and then parents will have a

chance to ask questions. At this stage the questions should be about the school's case. You should not say anything about your own family circumstances, as you will receive the opportunity to do this at the next stage.

Depending on the number of parents present, Stage 1 can take up to an hour or more.

Stage 2

At Stage 2 (which could be later the same day or on another day) you will be able to tell the Panel why you want a place at the school for your child. This part of the hearing usually lasts about 30 minutes.

Before you are invited to speak, the Presenting Officer will explain exactly why your child was not offered a place:

- For Year 7 and Reception transfer appeals this will be because other pupils had higher priority under the published admission criteria – often because you live further from the school than the furthest child offered a place.
- For 'In year' appeals it could be because the school was full when you applied for a place at the school.

The Panel may question the presenting officer and so may you.

Then it is your turn to tell the Panel why you want a place at the school for your child.

Remember that the Panel will have read the paperwork you have submitted for the hearing very carefully so try not to read your written submission - pick out your main points and emphasize them.

The Panel will ask why you think that your child should be offered a place. They may also ask you other personal questions to find out more about your reasons. Do not be afraid to answer candidly, everything mentioned at Stage 2 is confidential to all parties.

Finally, both sides will be asked if they wish to sum up.

Before you leave the hearing, please ensure you have said everything you want to say. You will not be able to give the Panel any more information once you have left.

Both the Presenting Officer and the parents leave the hearing at the same time.

REACHING DECISIONS ON APPEALS

Independent Appeal Panels must follow the law when considering an appeal and the decision making process the Panel must use is set out in the School Admission Appeals Code 2022.

Panels make their decisions using the “two-stage” process (Section 3 of the Code) or “infant class size” process (set out in Section 4 of the Code).

Two-stage (or “normal prejudice”) decision making

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

This means appeals for ALL secondary schools, sixth forms and primary school appeals for Year 3 and above will be heard as two-stage appeals. In some exceptional circumstances, appeals for a place in Reception, Years 1 or Year 2 may also be heard as a two stage appeal.

When all the appeals for your chosen school have been heard, the Panel makes its decisions:

Stage 1 decision making

At Stage 1 in their decision making, the Panel will:

- Check that the school’s admission criteria meet the mandatory provisions of the School Admission Code. In other words, it checks that the published admission criteria are not illegal.
- Search for any maladministration. For instance, was a sibling link overlooked? Maybe the home to school distance was incorrect?
- Consider whether it is satisfied that the admission of an additional child would prejudice efficient education at the school. This might include:
 - The effect of an additional child in the current and following 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 Panel accepts the prejudice to education case presented by the school, the Panel moves on to Stage 2. There are occasions when an appeal is won at Stage 1, but it is rare.

Stage 2 decision making

At Stage 2, the Panel move onto the balancing stage. This is when the Panel weighs up the school’s case, against your own.

This is not easy for the Panel. The Panel uses its discretion to weigh up the advantages which could be achieved by complying with your preference against the disadvantages it would cause the school by admitting an additional pupil.

If the Appeal Panel find your reasons outweigh the prejudice to the school, then

your appeal will be allowed. This means that the Panel can say a school is full but decide a child's case is so compelling that it is more important to admit that child than prevent the effects of prejudice to the school from having one more child.

All decisions are made on a majority vote basis.

Infant Class Size decision making

The decision making for a place in Reception, Year 1 and Year 2 is slightly different. This is because the law says children aged 5, 6 and 7 cannot be educated in classes of more than 30 pupils unless 'qualifying measures' are put in place. This means the school must provide another qualified teacher and classroom for the extra child/ children. It does not mean a teaching assistant.

The special rules governing appeals for Reception and Years 1 and 2 mean that there are **very limited circumstances in which the Panel can uphold/ accept your appeal**. The Panel can only consider:

- a) Whether an additional child or children would breach the infant class size limit (30 children with one teacher);
- b) Whether the child would have been offered a place if the admission arrangements complied with the mandatory requirements of the School Admissions Code and the School Standards and Framework Act 1998 (they were legal);
- c) Whether the admission arrangements were correctly and impartially applied (no mistakes were made); and
- d) Whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case (section 4.10 of the Appeals Code states that the threshold for this is high).

The word 'reasonable' refers to the legal sense of the word and not the dictionary definition.

Therefore, when you make your case to the Panel, you will need to demonstrate:

- That the decision was perverse or irrational or was unlawful and/ or
- That the admission arrangements in your child's case have been incorrectly applied
- And that your child would have been admitted if those errors had not occurred.

For example, you may know of a child who was offered a place at the school under the same admission criteria, but they lived further away from the school than your child. Perhaps your child has siblings at the school, which is a higher criterion than distance and this was not taken into account?

The Panel will be happy for you to tell them everything you wish them to know about your circumstances and why the school you would like your child to attend is the best fit for your child. However, the Appeal Panel can only take into account material that was available to the admission authority **at the time** it made its decision.

In the case of the main admissions round for Reception, this could include information such as medical evidence the admission authority had or should have had on/ or before National Offer Day. The Appeal Panel can consider any fresh material you wish to submit to prove that the arrangements had not been properly implemented.

Parents may argue that having two children at different schools makes it impossible to get both of them to school on time. However, the courts considered this in a famous 2003 case when Judge Richards said that a Cardiff family having to take 4 children to 3 different schools at the same time was not a reason for overriding class size legislation.

In a nutshell, winning an appeal for Reception, Year 1 and Year 2 which is subject to class size legislation is not impossible, but the hurdle is very high.

Appeals for admission to Sixth Forms

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

Appeals for sixth form places follow the two-stage process described earlier.

In cases where the student did not reach the specified entry requirements, the Appeal Panel is not permitted to make its own assessment of a student's ability. The Appeal Panel must decide whether the admission authority's decision that the student was not of the required standard was reasonable considering the information available to it.

NEXT STEPS?

If your appeal is unsuccessful there is no further right of appeal.

You may only appeal for a place at each school once in every academic year unless the Admission Authority agrees your circumstances have changed significantly.

However:

- You can contact Pupil Services to ask about waiting lists and spaces in other schools.
- If you feel that your appeal hearing was not properly or fairly conducted, you can complain to:
 - The Local Government and Social Care Ombudsman (LGO), if the school you appealed for is a community or voluntary controlled school, or
 - The Education and Skills Funding Agency (ESFA), if the school is an academy or free school.

Neither the ESFA or the LGO can overturn the decision of an Appeal Panel - but they may ask for a fresh appeal to be held with a different Appeal Panel if they find the Panel breached the Admissions Appeals Code 2022.

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

- You can seek a judicial review of the decision in the Courts. You will need legal advice if you seek judicial review and this can be expensive.

FURTHER INFORMATION

The School Admission Appeals Code allows the Appeals Service or the Clerk to give independent advice regarding the appeal process. However, we cannot give parents specific advice about your appeal.

Information about schools, admissions and appeals is also available from the Department for Education. The admissions authority, Appeal Panel and the Appeals Service must act in accordance with the School Admissions Appeals Code 2022, the School Admissions Code 2021 and other relevant legislation when conducting appeals.

- Please also see 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 to legal factsheets and a telephone advice service on 0300 330 5485 (8.00am to 6.00pm Monday to Friday) or at www.childlawadvice.org.uk
- 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 (open Monday to Wednesday 10.00am to 1.00pm) on 0300 0115 142.