



## **SAAS – FAQs**

### **What is a school's admission criteria?**

When a school is 'oversubscribed' (i.e. there are more applications to attend the school than the school has places to offer), the Admission Authority will apply predetermined criteria in order to determine which applications are offered a place at the school.

Typically, Admission Criteria will generally include the following categories in a similar order to those set out below, for example:

1. Children with an Education Health and Care Plan (EHCP or what used to be referred to as Statement of Special Educational Needs or SEN).
2. Children who come into the care of the Local Authority (looked after children, or previously looked after children).
3. attendance at a predetermined paired school.
4. Sibling connections (siblings must be in attendance at the same time).
5. Distance, usually measured from a defined point at the school to your home address in a straight line 'as the crow flies'

From time to time, you may also encounter other admission criteria such as:

- Gender (for same-sex schools).
- Religious affiliation (for religious schools).
- Aptitude and ability / exam entrance test (for grammar schools etc.).

The above is not an exhaustive list. This is just to give you a feel for what to expect, generally speaking.

### **What is meant by the normal admission round?**

The normal admission round occurs in the years prior to reception, year 3, and year 7 overseeing infant, junior (where applicable), and secondary school transfers. Anything which does not fall under this definition is otherwise known as 'mid-year' or 'in-year' admission.

### **What is an Admission Authority?**

The Admission Authority is responsible for establishing the criteria to be employed in cases where the number of applications exceeds the available places. In the case of community schools, the Local Authority (Council) acts as the Admission Authority, which generally applies to the majority of schools. However, for all other schools such as Voluntary Aided Schools, Voluntary Controlled Schools, Foundation Schools, and Academies, the Governing Body serves as the Admission Authority.



## **What is the Published Admission Number (PAN)?**

The Published Admission Number, often abbreviated as PAN, represents the predetermined number of students for each academic year that the Admission Authority has deemed manageable for the school before prejudice to the efficient education of pupils and use of resources arises. So, for example, if a school has 8 classes of 30 in each year group, the PAN for the school will typically be 240 (i.e. 8 classes x 30 pupils per class = 240). This means that each year, this hypothetical school can admit up to 240 pupils.

## **What is the Net Capacity of a school?**

This figure denotes the highest number of students that the Admission Authority believes it can comfortably accommodate within the school premises without posing logistical challenges or infringing health and safety requirements etc. While net capacity doesn't apply to Academies, it's worth noting that the net capacity figure is frequently utilised to establish the intended capacity of the school as outlined in the Funding Agreement between the Academy and the Secretary of State.

## **How is Net Capacity determined?**

The Department for Education has formulated a calculation method that considers classroom dimensions and communal spaces to ascertain the maximum capacity of workspaces within the school. Subsequently, this figure is multiplied by 90% to establish the minimum count of available workspaces. Typically, this approach offers a margin of 10%, allowing the Admission Authority to determine the Net Capacity.

## **What governs the School Admissions process?**

The School Appeal process is governed by the 2021 School Admissions Code, which can be found here - [School admissions code 2021 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/92422/school-admissions-code-2021.pdf)

## **What governs the School Appeal process?**

The School Appeal process is governed by the 2022 School Admission Appeals Code, which can be found here - [School Admission Appeals Code 2022 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/92422/school-admission-appeals-code-2022.pdf)

## **Who clerks Appeals Panel Hearings?**

The clerk is an individual who is designated by the Admission Authority to oversee the proper conduct of the admission appeal process, ensuring adherence to the School Admission Appeals Code. Additionally, they also provide impartial guidance / advice to Panels and parents or guardians.



## **What is an Independent Appeals Panel and who makes up the Panel?**

This is the Panel of Independent Members (who are all unpaid volunteers but have received training in accordance with the 2022 Admission Appeals Code) appointed by the Admission Authority to undertake Appeal Hearings in accordance with the requirements of the 2022 School Admission Appeals Code. The Panel is constituted of at least three Members from one of two categories; lay individuals and individuals with educational experience.

Panel Members cannot sit where a conflict of interest exists (e.g. a Panel Member cannot sit if they know you as the appellant in a personal capacity, or if they are a Governor at the school you are appealing for etc.).

## **Who will be present at my Appeal Hearing?**

Generally speaking, the following will be present at your Appeal Hearing:

- Three Independent Panel Members.
- A clerk who assists the Panel and Parents throughout the process.
- A Presenting Officer from the school in question to present the school's case for refusal (usually the Head Teacher or another individual from the school, or a representative from the Local Authority's School Admissions Team).
- You (the appellant, if you chose to attend).
- Observers. Occasionally, there may be other individuals present at your Appeal Hearing. Such individuals will usually be new / inexperienced Panel Members, clerks or Presenting Officers who are training to undertake their roles. Observers take no part in the Appeal Hearing. They just observe in order to learn the process.

## **Can I bring someone to support me at my Appeal Hearing, or to present the case on my behalf?**

Yes, you certainly can. You can bring a family member or friend with you to your appeal for support. Alternatively, you can also bring a solicitor, or representative like a professional from SAAS, to present the case on your behalf.

## **Can I bring along my child / children to my Appeal Hearing?**

You can bring your child / children along with you to your Appeal Hearing. However, we would advise against this where possible as children can often disrupt the proceedings which could be detrimental to your case.



## What is the clerk's role?

The clerk's role in the Appeal Hearing is neutral / impartial. The clerk's role is stipulated within the 2022 Admission Appeals Code as follows:

The clerk

1.11 The clerk must provide an independent and impartial service. The clerk's role is to make the necessary administrative arrangements for hearings (unless a separate appeals administrator is appointed for this purpose); to notify the parties of the order of proceedings in advance of the hearing; to respond to queries from appellants in advance of the hearing, or to identify the appropriate person to provide a response; to be an independent source of advice (or to seek appropriate advice) on procedure and on admissions law; to keep an accurate record of proceedings; and to provide the parties with written notification of the panel's decision.

## Will my appeal be held virtually or in person and can I demand the way in which it is heard?

Whether your appeal is heard virtually or in person is entirely at the Admission Authority's discretion. Whilst you can request a certain format, it is the Admission Authority's decision on how your appeal will be heard.

## Am I allowed to get someone from the school I am appealing for to support my appeal?

The 2022 Admission Appeals code is clear in that:

2.14 Panels **must not allow** representatives of schools to support individual appeals for places at their school at the hearing itself, or by providing letters of support for appellants. Such support could create conflicts of interest and unfairness to other appellants.

However, you are allowed to provide supporting information from individuals connected to your child's previous or current school, as long as they are not connected in any way to the school you are appealing for.

## Are there different types of appeals?

In short, yes. Typically, appeals fall into one of two categories; infant class size appeals and regular appeals (further explanation below).



## What is an infant class size appeal / legislation?

Infant class size appeals refer to appeals made in relation to Reception, Year 1 and Year 2 (typically 5, 6 & 7 years olds, also known as Key Stage 1. Further details can be found here - [The School Admissions \(Infant Class Sizes\) \(England\) Regulations 2012 \(legislation.gov.uk\)](#)

## What is a regular appeal?

A regular appeal refers to appeals made in relation to Years 3 to 11 (typically 8 - 16 year olds, also known as Key Stages 2, 3 & 4).

## What's the difference between an infant class size appeal and a regular appeal?

Generally speaking, infant class size appeals are much harder to win because the Government has stipulated that there **cannot** be more than 30 children per class, per qualified teacher (teaching assistants do not count in this calculation). Please refer to the School Admissions (Infant Class Sizes) (England) Regulations 2012 as detailed above. In view of this, there are only a limited number of permitted exceptions whereby an infant class can contain more than 30 children. One of the permitted exceptions is when an Appeals Panel allows an appeal into an infant class, but the Appeals Panel holds very limited power in such cases. Further details on this can be obtained by downloading the SAAS free advice guide, which can be obtained here – <https://saaspecialists.co.uk/free-guide>

By contrast, regular appeals (covering Years 3 to 11) offer a better chance of being successful. This is because regular appeals are weighed up against less stringent criteria. For regular appeals, a Panel, generally speaking, will weigh up what is referred to as prejudice. The Panel will consider both cases (i.e. the case for the school refusing your child a place vs your case for your child to be admitted to the school) and balance the arguments of both. Where a Panel determines that prejudice to the efficient education and use of resources is stronger or more compelling for the school's case, your appeal will be refused by the Panel. However, when a Panel concludes that your case is stronger in terms of the prejudice to your child vs the school, the Panel will allow your appeal and your child will be entitled to attend your preferred school.

## Can an Appeals Panel allow an infant class size appeal?

In short, yes but the Panel only holds **very limited powers** when it comes to allowing infant class appeals.

Typically, there are only two bases upon which an infant class appeal may be allowed. One is where it can be evidenced that the Admission Authority has made an error in your case that has resulted in you not being offered a place you would have



been entitled to. The second is proving that the decision was entirely unreasonable / irrational given the information available to the Admission Authority at the time of decision-making (i.e. based on the information you had provided to the Admission Authority with your application).

The 2022 School Admission Appeals Code provides further detail at 4.10 on page 25 where it confirms the following:

### **Consideration of 'reasonableness'**

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

The Local Government Ombudsman provides further clarity on this matter here - [Infant class size appeals - Local Government and Social Care Ombudsman](#) and as set out in the below table:

### **What might be 'perverse'?**

Most parents who have been refused a place at their preferred school consider this refusal to be perverse. But the word has a stronger meaning in its legal sense. It means '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'. A decision that makes it impossible for you to transport all your family to school on time, or even impossible for you to continue working, is very unlikely to be perverse. The courts have established this.

If the admissions authority had refused a place to a child whose family had had to move house under a witness protection scheme, a panel *might* decide that the decision was perverse. But it is the panel's decision. We will not question that decision if the panel followed the correct procedures in reaching it.



### **What is meant by Prejudice?**

Prejudice is where the Admissions Authority declines to offer a place at a school based on the grounds that admitting an additional pupil would adversely affect the efficient education of pupils already attending the school, or use its efficient use of resources.

### **What are the permitted exceptions to infant class size legislation?**

The full list of permitted exceptions is outlined in paragraph 2.16 (page 24) of the 2021 School Admissions Code - [School admissions code 2021 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

### **How long will it take the Independent Appeals Panel to hear my appeal?**

For normal admission round appeals; i.e. September intake appeals for Reception, Year 3 (where applicable) and Year 7, your appeal will be heard within 40 school days of the deadline for lodging appeals.

For mid-year (also known as in-year) appeals, your appeal will be heard within 30 school days of your appeal form being received by the Admission Authority.

### **How long will it take to receive the outcome of my appeal?**

The 2022 Admission Appeals Code stipulates that the outcome of your appeal must be issued within 5 school days of the date of your appeal hearing.

### **My Appeal was unsuccessful, can I appeal again for the same school?**

Unfortunately, you cannot appeal for the same school in the same academic year (i.e. the same year group you appealed for on the first occasion) unless there has been a material change in your circumstances. However, you can appeal for the same school again in subsequent academic years (i.e. if you appealed for a place at school in Year 7, you would not be able to appeal for the same school until Year 8). There is nothing preventing you from appealing to different schools in the same academic, however. The general rule is that you are entitled to one appeal per school, per academic year.

### **What might constitute a material change of circumstances?**

The 2022 Admission Appeals Code does not provide a definition for what constitutes a material change in circumstances. Nonetheless, the Code does offer certain illustrative instances, such as medical grounds or relocation of the family. Additionally, it encompasses alterations concerning the school itself. For instance, if a school initially planned to operate with nine classes but then opted for ten, this





could be considered a material change of circumstances. In either case, the Code is clear in 5.1 (page 26) that:

5.1 Appellants do not have the right to a second appeal in respect of the same school for the same academic year **unless, in exceptional circumstances, the admission authority has accepted a second application** from the appellant because of a significant and material change in the circumstances of the parent, child or school but still refused admission.

5.2 A second appeal panel must be made up of different members from the first.

5.3 Appellants may apply for a place in the same school in respect of a later academic year and have a further right of appeal if that application is unsuccessful

### **Do I need to supply any evidence as part of my appeal?**

Your case will, indeed, be stronger if you can provide any evidence which demonstrates the key arguments of your case. For example, the Panel will be able to attach greater weight to your case if you claim in your grounds of appeal that your child has a medical condition which is backed up by a medical professional's letter / report, versus no medical evidence to support your claims.

Generally speaking, you have the option to present any evidence you deem necessary to bolster your appeal. Nevertheless, Appeal Panels exercise caution when considering unsupported evidence. It is highly advisable to supply corroborating evidence from a credible professional such as a doctor, social worker, or teacher etc. You must attempt to articulate as best as you can why the school you've chosen is uniquely equipped to cater to your child's requirements.

### **Will medical grounds / evidence guarantee my appeal will be successful?**

Appeal Panels will certainly take medical issues into account. However, in general, medical reasons must be genuinely exceptional. Nowadays, the vast majority of schools possess the necessary resources, equipment and trained staff to manage most common medical conditions which typically do not qualify as exceptional. To aid in strengthening your case, it's essential that you obtain a letter of support from your GP or medical expert. Without such support, your appeal will carry less weight.

### **What are the requirements for submitting evidence to my appeal?**

When you submit your appeal form to the relevant Admission Authority, they will provide you with a deadline for submitting additional evidence in order to support your appeal. If you cannot make this deadline, the 2022 Admission Appeals Code stipulates that:





2.7 No later than 10 school days before the hearing, the admission authority must provide appellants with written notification of the date of and arrangements for the hearing. The notification must include a deadline for the submission of any further evidence that was not sent with the initial appeal. Admission authorities must inform appellants that any information or evidence not submitted by the deadline might not be considered at the appeal (see paragraph 2.10 below).

2.10 An appeal panel must decide whether any material not submitted by the specified deadline is to be considered, taking into account its significance and the effect of a possible need to adjourn the hearing.

### **With regular appeals, what is the two-stage process and how does it work?**

While commonly labelled as a two-stage process, the Appeal Panel will address three key considerations. Initially, it will assess whether the Admissions Authority adhered to its published admission policies correctly and fairly. Subsequently, it will then deliberate on the persuasiveness of the Admissions Authority's contention that admitting an additional student would adversely prejudice either the efficient use of resources or education at the school in question. Finally, the Panel will then examine your circumstances and all evidence presented (both written and oral), and if it finds that your case outweighs the potential prejudice felt by the school in admitting an additional pupil, your appeal will be allowed.

### **What about Grammar School appeals? Are they different?**

The situation with Grammar School appeals is somewhat nuanced. If your child passed the entrance examination but wasn't offered a place due to other applicants performing better and scoring higher on the entrance exam, the appeal process aligns with regular prejudice appeals. However, if your child didn't score high enough to pass the entrance exam, the appeal process differs. In this scenario, you must demonstrate your child's suitability for grammar school education. This can be achieved by presenting evidence indicating that your child would thrive in a grammar school environment, such as school reports and references from their current teachers / tutors etc. Additionally, there may be mitigating circumstances explaining why your child didn't perform well on the examination day, such as feeling unwell or being distracted. The Appeal Panel will assess whether these factors were significant enough to impact the examination outcome.



### **Will my appeal be heard alongside other parents' appeals, or on its own?**

It is for the Admission Authority to determine how appeals will be heard. For September intake appeals (normal admission round), you may find your appeals heard as part of 'multiple appeals' whereby all parents appealing for a particular school are invited at the same time to hear the school's case (stage 1) for refusing admission. Please rest assured that stage 2 (when you present your case) will always be held in private (i.e. in the absence of other parents).

### **Can I complain about the Appeals Panel?**

Yes, you can complain about the Appeals Panel. For further details on this matter, please download the SAAS free guide: <https://saaspecialists.co.uk/free-guide>