



Introduction to School Admissions Appeals

In light of the ongoing pursuit for increased parental choice in educational matters, it remains a common experience for many families to encounter disappointment in securing the desired school placement for their child(ren). Upon receiving notification of this outcome, families often face a period of uncertainty and concern, particularly when the decision comes unexpectedly.

Despite these challenges, the avenue of appeal exists for all parents to take advantage of. However, understanding the process and assessing the likelihood of success can be a daunting task.

Nationally, the success rate of appeals stands at approximately one in ten, with variations across regions with particularly popular schools seeing success rates much lower than one in ten. Nonetheless, it's important not to be discouraged.

The Appeals Panel operates independently from both the school and the Admission Authority. If compelling arguments can be presented to demonstrate why your child merits a place at your preferred school, success can be attained. This guide aims to provide comprehensive steps to enhance your chances of a successful appeal.

Understanding School Admissions Criteria

The 2022 School Admissions Code mandates Admissions Authorities to establish and apply lawful criteria for the allocation of school placements, particularly where schools are oversubscribed (i.e. there are more applicants than places available).

Identifying the lawfulness of admission criteria becomes pivotal upon receiving a refusal for a school place. Clarity on these matters can be obtained directly from the respective Admission Authority.

Lawful admission criteria typically prioritise factors such as sibling connections, children in public care, or proximity to the school. Conversely, unlawful criteria may involve preferences based on parental employment, and discriminatory practices against children with special educational needs or disabilities, amongst others.

Should there be doubts regarding the lawfulness of admission criteria, seeking clarification can be beneficial, potentially aiding your chance of success at appeal.

Understanding the Legal Framework

Winning an appeal for your child necessitates meeting specific criteria. Appeals typically follow a two-stage process: establishing prejudice and balancing cases / arguments. Success at either stage can secure a school placement for your child.



Every school publishes its admission criteria, providing transparency on placement allocation in cases of oversubscription. Demonstrating violations of these criteria, or administrative errors, can bolster your appeal prospects significantly.

Contrary to popular belief, parental choice in school selection does not exist. In fact, as a parent, you do have the right to express your preference for which school(s) you would like your child to attend. Legislation mandates schools to consider parental preferences unless it prejudices educational efficiency or resources. Consequently, schools must justify refusals to admit based on these grounds.

Emphasising the adverse impact on your child's education if denied a place, relative to the school's concerns, is critical. Additionally, showcasing the unique benefits your child stands to gain from the preferred school further strengthens the appeal. Whilst you may wish to draw a Panel's attention to what one school can offer over another, it is crucial that you do not waste your time at an appeal hearing talking about a school you have been offered / refused and why it does not meet your child's needs. The Appeal Panel's remit is to consider your case against the case of the school you are appealing for. The Panel is not there to consider the suitability of the school you have been offered / refused.

Appeals Timetable and Procedures

Navigating the appeal process demands adherence to a structured timeline and procedural guidelines.

Upon receipt of the allocation letter, lodging an appeal within the stipulated timeframe initiates the process. Completion of the Appeal Form and preparation of the Appeal Statement are subsequent steps, with attention to detail being paramount.

The Appeal Hearing, scheduled within a specified timeframe, marks the culmination of the process. Following the hearing, prompt communication of the Appeal Panel's decision ensues, along with reasons for the decision.

Lodging an appeal is the first step towards securing your child's educational placement. Attention to procedural requirements and timely submissions streamline the process, enhancing the prospects of a favourable outcome.

Preparing Your Appeal Statement

Drafting a compelling Appeal Statement requires meticulous attention to detail and strategic presentation of arguments.



An effective statement typically comprises:

- Introduction: Provide essential family details and express the intention to contest the Admission Authority's decision.
- Prejudice Assessment: Evaluate the potential prejudice to efficient education and resource utilisation.
- Balancing Considerations: Highlight why your child's admission outweighs any adverse impacts on the school.
- Summarisation: Conclude with a concise summary of key arguments for the Appeal Panel's consideration.
- Striking a balance between legal arguments and personal motivations is crucial in articulating a persuasive Appeal Statement.

Preparing for the Appeal Hearing

Preparing for the Appeal Hearing entails thorough familiarisation with the case presented by the Admission Authority and formulation of probing questions to challenge their assertions.

Familiarity with the school's case, combined with strategic questioning, aims to cast doubt on the purported constraints preventing your child's admission. Additionally, outlining principal balancing issues reinforces the case for your child's placement.

Understanding the Appeal Panel

The composition and function of the Appeal Panel play a pivotal role in the appeal process.

Comprising individuals with varied backgrounds, including educational and lay members, the Panel convenes impartially to adjudicate appeals. While their decision-making process adheres to legal guidelines, acknowledging the Panel's composition and objectives aids in preparing for the Hearing effectively.

Appeal Hearing Procedure

The Appeal Hearing Procedure is governed by the 2022 School Admission Appeals Code - [School Admission Appeals Code 2022 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

The Appeal Hearing typically follows a structured two-stage format, facilitating a comprehensive examination of arguments from both parties.

Commencing with introductions, the Hearing progresses through presentations of the cases by both the Admission Authority and the appellant. Questioning and summation rounds afford opportunities for clarification and reinforcement of key arguments.



Summation, delivered by both parties, encapsulates key arguments and can help influence the Panel's decision-making process.

Infant Class Size Appeals (Reception, Year 1 & Year 2)

Distinct from regular appeals (Years 3 - 11), infant class size appeals entail specific legal considerations.

Such appeals hinge on demonstrating non-compliance with admissions law or the 'unreasonableness' of the Admission Authority's decision. The Government has made it law that there cannot be more than 30 children per qualified teacher per class (teaching assistants do not count). For this reason, infant class size appeals are typically much harder to win when compared to regular appeals. However, evidencing errors in application or significant deviation from legal standards can strengthen your grounds for appeal.

There are some limited permitted exceptions to infant class size legislation (where an Admission Authority can legally admit children above 30 per qualified teacher), such as, for example, children with an Education Health and Care Plan (EHCP or what used to be referred to as SEN), children who come into the care of the Local Authority (looked after children, or previously looked after children), children of military service personnel or children admitted by an Appeals Panel etc. 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://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/95422/school-admissions-code-2021.pdf)

Post-Appeal Considerations

Following the Appeal Hearing, awaiting the Panel's decision can be an anxious period, but you will receive written notification of the decision within 5 school days.

Upon receipt of the decision, if you are unsuccessful in winning your appeal careful consideration of available options ensues, including:

- Exploring alternative schools with places available in your child's year group.
- Complaining to the Local Government Ombudsman (for Local Authority controlled schools), or to the Secretary of State (for Academy schools), where you believe and can demonstrate that the Appeal Procedure has not been followed / applied correctly in your case.
- Pursuing judicial review avenues (where you believe and can demonstrate that there has been an error made in law). However, please note that there will be a significant cost implication if you wish to pursue this course of action.

In conclusion, while School Admissions Appeals pose challenges, meticulous



preparation and adherence to procedural guidelines increase the likelihood of a successful outcome. Leveraging resources and expertise can further enhance appeal prospects, ultimately helping you to secure your preferred school and your child's educational aspirations.

At SAAS, we can help with your appeal and offer a variety of packages. Please visit our website at www.saaspecialists.co.uk for further details.

Additional resources

To help you understand the nature of Appeals, and your chances of being successful, please click on this link which will take you to the Department for Education (DfE) website where it outlines recent appeals statistics for England: <https://explore-education-statistics.service.gov.uk/find-statistics/admission-appeals-in-england>

In addition, the DfE has also produced this handy guide for parents who wish to appeal: <https://www.gov.uk/government/publications/admission-appeals-for-school-places/advice-for-parents-and-guardians-on-school-admission-appeals>

For further information on infant class size appeals, please refer to the Local Government Ombudsman website:

- [Infant class size appeals - Local Government and Social Care Ombudsman](#)
- <https://www.lgo.org.uk/make-a-complaint/fact-sheets/education/school-admissions>