



**Runnymede St Edward's Catholic Primary School
(Voluntary Aided)**

Admission Appeals Guide

Information for Parents

Introduction

- 1) The Governing Body of Runnymede St Edward's Catholic Primary school is the Admission Authority for the school, and is responsible for the appeals procedure.
- 2) Under the School Standards and Framework Act 1998, as amended by subsequent legislation, you have the right to appeal to an Independent Appeals Panel if you are not offered a place at your preferred primary school
- 3) The appeal procedure is governed by **The School Admission Appeals Code**. This is a statutory document and can be found here:
<https://www.gov.uk/government/publications/school-admissions-appeals-code>
- 4) At the appeal hearing, you are given the opportunity to tell an Independent Appeal Panel why you wish your child to go to Runnymede St Edward's Catholic Primary School.
- 5) This pack explains how to make an Appeal and tells you what happens at an Appeal Hearing.
- 6) If your child has an Education, Health and Care Plan, the admission appeal procedure is not the appropriate course of action to follow. Parents whose children have an Education, Health and Care Plan, who do not agree with the decision regarding their child's education, have the right of appeal to the Special Educational Needs and Disability Tribunal. For further information please contact the Special Educational Needs & Disability Team. (Tel: 0151 225 6231).
- 7) It should be noted that this guide is not intended as a substitute for independent legal advice and no liability is accepted if any of the information contained in it is incorrect or alters after publication.

PLEASE NOTE: During the Covid-19 pandemic, all Appeals forms and supporting documentation must be submitted electronically to admissions@runnymede-school.org.uk

How do I make an appeal?

- 1) If you are not offered a place at Runnymede St Edward's Catholic Primary School you can appeal against the decision.
- 2) Appellants are allowed 20 school days from the date of notification that their application was unsuccessful to prepare and lodge their written appeal.
- 3) You should complete the form entitled '**Admission Appeal Form**'. This is available on the school website. Make sure you have read this guide and the form through before filling it in and ask someone to help you if you have any problems with the form. If you require advice about the form you can contact the school by email:
admissions@runnymede-school.org.uk
- 4) It is important that you include on the form every detail, which you feel is relevant to your appeal. The form will be made available to the Appeal Panel before the hearing and it is therefore important that you complete it carefully.
- 5) It is important to note that, when considering a request for admissions the only address that will be considered, is the permanent address where the child lives. The Governing Body of Runnymede defines the home address of a child as the address of the parent(s) or legal guardian(s). Your address plays an important part in the appeal. You are required to provide evidence of your current or new address if you are planning on moving house. The Appeal Panel will ask to see this evidence which could be a council

tax bill, a tenancy agreement, a utility bill (water, gas or electric) or a letter from a solicitor confirming exchange of contracts.

- 6) If your appeal is based on medical grounds, you are required to produce medical evidence for the Appeal Panel in support of your appeal.
- 7) If your appeal is based on bullying grounds, you are strongly advised to produce evidence of the bullying for the Appeal Panel in support of your appeal.
- 8) When completed, the Notice of Appeal Form should normally be returned to Runnymede St Edward's Catholic Primary School, North Drive, Sandfield Park, Liverpool L12 1LE. **However, during the Covid-19 pandemic, all Appeals forms and supporting documentation must be submitted electronically to admissions@runnymede-school.org.uk**

What happens next?

- 1) The majority of appeal hearings generally take place during May, June and July prior to the September admission. However, appeals are heard throughout the rest of the year as required.
- 2) The school office will forward your Appeal form to the clerk to the Appeal Panel. The Governing Body is responsible for organising panel members and for sending you a letter giving the date, time and place of the appeal hearing.
- 3) You will receive at least 10 school days written notice of the date, time and place of the appeal hearing in order for you to prepare your case. This is a legal requirement. In some cases it is not always possible to give parents the suggested 10 school days' notice before the appeal hearing date. In these circumstances you will be asked to sign a waiver letter in which you agree to forego the statutory 10 school days' notice in order to have a hearing on the specified date.
- 4) When you receive the letter giving you details of the date, time and place of the appeal, you will also receive a statement from the Admissions Authority, which will give the reasons why your child was not allocated a place at Runnymede, and a copy of your Notice of Appeal Form.

Who attends the Appeal Panel?

- 1) The Independent Appeal Panel (the decision making body) will usually be comprised of three people and is completely independent from the school and the Local Authority.
- 2) Appeal Panels include:
 - Lay members, that is people without personal experience in the management of any school (other than as a governor or in a voluntary capacity);
 - People who have experience in education.
- 3) Advising the Appeal Panel is a clerk who ensures that the correct procedures are followed and that the appeal hearings are conducted fairly. The clerk plays no part in the decision making process other to provide advice on the process.
- 4) Also in attendance is a representative from the Admissions Authority who will explain to you and the Appeal Panel why a place at the school you wanted was not allocated to your child. The Head Teacher of Runnymede St Edward's may accompany the representative. The Head Teacher plays no part in the decision making process.
- 5) At the appeal hearing you can be accompanied by a friend, adviser, interpreter or signer who may speak on your behalf at the hearing. If you require an interpreter or a signer

the school will make the necessary arrangements and provide the service free of charge. If you require a signer or an interpreter please indicate on your Appeals form and the school will make the necessary arrangements.

- 6) An adviser could be for example a local elected politician, an employee of the Local Authority such as an educational social worker, a special educational needs adviser or learning mentor, provided that this will not lead to a conflict of interest. It is not possible for an employee of Runnymede St Edward's Catholic Primary School, or a member of the Governing Body of the school, to attend as a friend or adviser.
- 7) On a rare occasion there may be an observer who is training to be a clerk, an officer or a member of an Appeal Panel. They will play no part at all and will simply observe.

Will I have to attend the hearing?

- 1) The Appeal Panel will hear each case individually and you are strongly encouraged to attend the hearing in person. This will enable you to give a detailed explanation of your case, and give members of the Appeal Panel the opportunity to ask you questions.
- 2) Although it is a formal hearing and part of the legal system, it is conducted as informally as possible.
- 3) If you do not wish to attend, the Appeal Panel will make a decision on the basis of:
 - The written evidence you have provided;
 - A written and/or verbal statement given by the Admissions Authority about the reasons why your child was not offered a place at Runnymede St Edward's Catholic Primary School.
- 4) If you do not indicate whether you will be attending the hearing, the Appeal Panel will decide to hear your appeal in your absence, provided you have had 10 school days' notice of the meeting. If you cannot attend you may ask for the hearing to be heard at a later date, although this cannot be guaranteed.

How do I prepare my case?

- 1) You are responsible for presenting your case and for deciding what written and/or verbal information you want to put before the Appeal Panel.
- 2) If your appeal relates to an infant class i.e. Reception, Year 1 and Year 2, please see page 7 about infant class size restrictions.
- 3) If your case relates to any other year group then the Appeal Panel will listen to the individual circumstances of your case. This may be anything that is important to you, your family or your child. There are no restrictions on what you can say. Each family has its own reasons and personal circumstances for appealing. It is important that you inform the Appeal Panel of all the circumstances that you feel are important.
- 4) You may bring a friend to support you or to present the case for you. You may, if you wish, bring a solicitor to present your case. If you intend to bring a solicitor to represent you, please inform the school beforehand.
- 5) The Appeal form is an important part of your case and should be filled out carefully.
- 6) If you wish to rely on written information which is in addition to the appeal form you should attach copies to the form and list the documents on the Appeal form. You can bring evidence to the appeal hearing if it is not possible to send it beforehand, but this may delay proceedings, as all parties will need to read the information.
- 7) If you are seeking to rely on medical grounds for your appeal, you are strongly advised to obtain a letter or report from your family doctor or hospital to support your case. You

should ask the doctor to say why, in his/her opinion, your child's medical condition means they cannot attend the school allocated or alternatively must attend Runnymede St Edward's Catholic Primary School.

- 8) If your appeal is based on a change of address you are strongly advised to provide evidence of your current or new address if you are planning on moving house. The Appeal Panel will ask to see this evidence which could be a council tax bill, a tenancy agreement, a utility bill (water, gas or electric) or a letter from a solicitor confirming exchange of contracts.
- 9) If your appeal is based on bullying grounds, you are strongly advised to produce evidence of the bullying for the Appeal Panel in support of your appeal. This may be in the form of a letter from a Headteacher or Teacher, a Pupil Attendance and Welfare Officer, a Doctor, a Police Officer etc.
- 10) It is your responsibility to present any supporting documentation e.g. proof of change of address, doctor's letters, and information concerning bullying or other relevant information, to the Appeal Panel.
- 11) The Appeal Panel will expect evidence to support statements made by parents at the appeal. Representatives of the Admissions Authority may challenge any information given to the Appeal Panel, which is not supported by documentary evidence. This information may be sent with the appeal form, in which case it should be listed on the appeal form, or it may be presented to the Appeal Panel at the appeal hearing. It will not be possible for the Appeal Panel to be reconvened at a later date to hear additional evidence that you may not have disclosed at the original hearing.
- 12) Before the appeal hearing, you will receive a copy of the statement from the Admissions Authority, which summarises:
 - Runnymede St Edward's Catholic Primary School Admission Policy.
 - The reason why your child was not offered a place at the school.
 - The problems that could arise if children were admitted above the admission number.
 - You will also receive any other documents, which are considered relevant by the Admissions Authority, for example a statement from the Head Teacher of the school. (This may be presented at the appeal hearing).
- 13) Before the hearing the Appeal Panel will have received and read through all the documents which you and the Admissions Authority have sent.
- 14) It may help if you write out the specific points you want to tell the Appeal Panel. It is very rare to be given a second appeal so you must tell the Appeal Panel all the points you want them to consider.

What happens at the appeal?

- 1) Your appeal will be heard in private and the proceedings are confidential.
- 2) The appeal hearing follows a set procedure. You may feel the meeting is very structured, as the Chair will be strict on who can speak and when questions can be asked. However, the Chair will always conduct the meeting in a friendly way and guide you through the whole meeting.
- 3) The Chair will conduct the meeting in the following way:
 - a. The Chair introduces the members of the Appeal Panel and everyone else in the room.
 - b. The clerk then explains the procedure and what will happen next.
 - c. The Admissions Authority will put their case.
 - d. The Appeal Panel and you may then ask questions of the representative from the Admissions Authority.

- e. You will then be asked to give your case.
 - f. The Appeal Panel and the representative from the Admissions Authority may then ask questions of you.
 - g. The officer from the Admissions Authority will sum up.
 - h. You will be given the last word when you are given the option to sum up.
 - i. The Chair will ask you if you have had the opportunity to say everything you wish to say.
 - j. Both parties leave the room together.
- 4) If there are several appeals for the school, the Appeal Panel will make its decisions at the end of all the appeals timetabled for that particular day(s).
 - 5) The clerk remains but has no involvement in the decision making process. He/she will be there purely to assist the Appeal Panel on matters of evidence or procedure and to record the decision.
 - 6) After the decision has been made, the clerk will write to you as soon as practicable. You will not be told the decision at the hearing.

The Admissions Authority's case

- 1) The Admissions Authority can present one of two different cases depending on the circumstances of the appeal.
 - **For infant classes** (Reception, Year 1 and Year 2) where the government has passed a law restricting classes to no more than 30 children.
 - **For all other year groups.**
- 2) For infant class size cases:
 - The representative will state that the Admissions Authority has not acted unreasonably in denying your child a place at the school because the approved Admission Policies for admitting children have been followed.
 - Provided the Appeal Panel believe the Admissions Policy complies with the School Admission Code they cannot question the Admissions Authority's policy and must accept it.
 - The Admissions Authority will also state that no mistake has been made in applying the policy that has resulted in your child being denied a place.
 - Further information on infant class appeals can be found on page 7.
- 3) For all other year groups:
 - The Admissions Authority will state that to admit any more children into the year group would 'prejudice' the provision of efficient education or the efficient use of resources. This is the wording used in the School Standards and Framework Act 1998, as amended by the subsequent legislation. In layman's terms, this means that to add an additional child would lead to overcrowding or make overcrowding worse at the school. If a school admits children above its capacity, then this will cause problems with providing a high standard of education to pupils at the school.
- 4) The statement the Admissions Authority sends to you before the appeal explains the case in more detail.

How does the Appeal Panel reach a decision?

- 1) **For infant class appeals:**
The Appeal Panel considers appeals for infant classes differently from other year

groups. The Appeal Panel will decide whether you have made out a case on one of the following grounds:

- a. The decision to refuse to admit your child was not one which a reasonable the Admissions Authority would make in the circumstances.
- b. Your child would have been offered a place, if the published admission arrangements had been properly followed.
- c. Your child would have been offered a place, if the admission arrangements had not been in breach of the School Admissions Code. If the Appeal Panel agree you have made a case, they will grant your child a place at the school. If you have not proved your case, according to any of the criteria mentioned above, your appeal would be refused.

2) For all other year groups:

- a. Firstly, the Appeal Panel has to decide whether the Admissions Authority has made a case that no more children can be admitted to the school, as this would cause 'prejudice to the provision of efficient education or efficient use of resources'.
 - b. If the Appeal Panel decide the Admissions Authority has not made a case, for a single appeal, the Appeal Panel will uphold, that is agree with the appeal for a place.
 - c. If the Appeal Panel decide the Admissions Authority has made out its case and prejudice would occur, no places are allocated at this stage of the process.
- 3) The Appeal Panel moves onto the second stage called the **balancing stage** where they examine the individual cases of each appellant to decide if the reasons put forward are sufficient to outweigh the degree of prejudice caused to the school.
 - 4) If the Appeal Panel agrees that your case is sufficiently strong and outweighs the Admissions Authority's case of prejudice, they will uphold, that is agree with the appeal for a place.
 - 5) If the Appeals Panel believes that the case put forward by the Admissions Authority is stronger, they will find in favour of the school.

How will I find out the result of my appeal?

- 1) You will be informed in writing of the decision reached by the Appeal Panel and you can expect to hear the result quickly. You will normally be told at the hearing when the decision letters will be sent to you.
- 2) However, the decision can take longer to reach you because the Appeal Panel will have to hear all the appeals for Runnymede St Edward's Catholic Primary School before deciding about any one case.
- 3) Decisions will only be given in writing and you are requested not to contact the school by telephone for the decision.

Infant class size restrictions

- 1) There are rules that apply to all appeals for Reception, Year 1 and Year 2. These rules apply if your admission has been refused because the class has reached its legal limit of 30 children per class.
- 2) In this type of appeal the Appeal Panel are only allowed to look at 3 reasons for granting a place.
 - a. The first reason is whether the Admissions Authority has kept to its own rules. If the Admissions Authority broke its own rules, either deliberately or by mistake,

- then your appeal can succeed, but only if your child would have been given a place if the rules had been applied properly.
- b. The second reason is whether the Admissions Authority has acted unreasonably. The law defines 'unreasonable' very carefully in these cases. For the decision to be unreasonable it must be completely illogical or not based on the facts of the case.
 - c. The third reason is that your child would have been offered a place if the admission arrangements had not been in breach of the School Admissions Code.
- 3) The Appeal Panel cannot consider personal factors unless they are relevant to the 3 reasons above.
 - 4) If the Appeal Panel considers that the Admissions Authority has not proved their case or that any of the 3 exceptions apply, then they can allow the appeal and offer your child a place at Runnymede St Edward's Catholic Primary School. This would cause the infant class to rise above 30 children. However, in all other cases not relating to these reasons, the Appeal Panel would have no choice but to dismiss your appeal.
 - 5) If the Appeal Panel considers that the Admissions Authority have proved that the admission of another child would cause an infant class to rise above 30 children, and none of the three exceptions above apply, then the Appeal Panel will dismiss your appeal. The Appeal Panel will, for legal reasons not be able to go on to the balancing stage of considering your individual circumstances.

Is the appeal decision final?

- 1) The decision of the Appeal Panel is final and binding upon the Admissions Authority.
- 2) If you consider that the Admissions Authority have not followed proper procedures for the allocation process you can complain to the Secretary of State for Education and Skills or the Local Government Ombudsman. However, they would expect that you would have already written to the Admissions Authority with your complaint beforehand.
- 3) If you consider that the Appeal Panel has not followed proper procedures in the appeal hearing you can complain to the Local Government Ombudsman.

If my appeal is unsuccessful can I appeal again?

- 1) A second appeal will not be considered in the same academic year for the same school unless there has been a significant change in your circumstances, for example a change of address or the subsequent admission of a brother or sister to Runnymede St Edward's Catholic Primary School.
- 2) You will not be granted a second appeal because you forgot to present relevant evidence or because you wanted to stress different parts of your case, or because you feel the Appeal Panel did not understand your case.
- 3) You may, however, submit an appeal for more than one school during the same academic year. It may be helpful to appeal for a number of schools at the same time.

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