



This leaflet contains very important information about school admission appeals. You should read this leaflet carefully before completing the appeal form.

Meetings are currently held face-to-face at Derby City Council, unless specifically agreed otherwise.

Please note that you are legally responsible for making sure your child is either:

- attending school
- receiving education other than at a school.

Legal background

The School Standards and Framework Act 1998 requires every admissions authority to make arrangements for parents to:

- express a preference for the school they want their child to attend
- give reasons for that preference

If the admissions authority is unable to offer the school place, they are legally required to give parents the opportunity to appeal against the decision not to admit their child to the preferred school.

Types of appeals

Infant class size prejudice (ICSP) appeals

These are where the infant classes (reception, year 1 and year 2) have already reached the Government's legal limit. To admit any more pupils would breach this limit.

If a pupil is refused admission to a school because an infant class has already reached the limit, the independent appeal panel ('the panel') can only allow the appeal in the following exceptional circumstances:

- Children admitted outside the normal admissions round, with full statements of special educational needs or education health care plans specifying a school.
- Looked after children and previously looked after children admitted outside the normal admissions round.
- Children admitted, after the initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process.
- Children admitted after the panel upholds an appeal.
- Children who move into the area outside the normal admissions round for whom there is no other available school within a reasonable distance.
- Children of UK service personnel admitted outside the normal admissions round.
- Children whose twin or sibling from a multiple birth is admitted otherwise than an excepted pupil.
- Children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attended some infant classes within the mainstream school.

If your child has been refused admission to a school on ICSP grounds, the panel can only offer a place to the child where it is satisfied that either the:

- admission of additional children would not breach the infant class size limit; or
- admission arrangements did not comply with the admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
- the decision to refuse admission was not one which a reasonable authority would have made in the circumstances of the case.

Non infant class size prejudice (ICSP) appeals

The panel is not restricted by the law that applies to ICSP appeals and has much more discretion when considering a family's personal, social and domestic circumstances.



If the panel agrees that a family's circumstances outweigh the school's case, the panel will allow the appeal.

How to Appeal Appeals can be made in writing on the Schools Appeal Form which can be obtained by contacting Oakwood Junior School by the deadline stated on your decision letter. When submitting an appeal you should:

- Tell us all your reasons for wanting a place at the school.
- Include copies of any written supporting information, letters, documents or evidence which you would like the Panel to consider at the hearing. Please note: If you bring evidence to the hearing which has not been previously submitted, the Panel may not consider it.
- Provide reasons (if applicable) why you think that your case should not be heard as an Infant Class Size Prejudice Appeal.

Appeals process

What happens after my appeal has been submitted?

The Council will acknowledge receipt of your appeal in writing.

The Appeals Business Manager will write to you at least 14 calendar days before the hearing to tell you when your appeal will take place.

If a short notice appeal can be offered, you will be asked to sign a waiver and agree to less than the legally required notice period. The letter will also include a copy of your original appeal and the school's case.

Can I submit additional evidence for my School Admission Appeal?

Yes. Please send it in as soon as possible and by the date specified in your invitation letter. Late evidence may not be considered by the independent appeal panel.

How do I withdraw my School Admission Appeal?

Email Sarah Baines on Sarah.baines@derby.gov.uk, Jackie Waring on jackie.waring@derby.gov.uk or Admissions on admissions@derby.gov.uk.

How should I prepare for the appeal hearing?

You should:

- read through all papers sent to you by the Appeals Business Manager
- make a note of any questions that you may wish to ask on the case or anything that you do not understand or you do not agree with.

You can raise these points when the appeal is heard.

If you propose that someone else will represent you at the appeal, you must send a signed letter of authority saying you want them to present the appeal on your behalf.

If you have any additional needs in order for you to fully participate and present your appeal, please contact the Appeals Business Manager by emailing committee@derby.gov.uk.

How do I book an interpreter

Email Sarah Baines on Sarah.baines@derby.gov.uk or Jackie Waring on jackie.waring@derby.gov.uk at least 7 days before your appeal hearing is due to take place.

Can someone be with me?

Yes, somebody else can support or represent you at your appeal. This could be a friend, partner or adult family member.

Local councillors, Special Educational Needs advisers, social workers and family support workers may also be able to help, support or represent you as long as it does not lead to a conflict of interest.

You can also obtain your own legal advice or representation if you wish to do so, however, we are not responsible for any costs incurred.

You cannot involve an employee of the school you are appealing for.

You cannot involve an elected member of the Council who has a direct role in relation to school admissions in Derby.

Please note: your child should not be involved in the appeal as it can be distressing for some children.

What happens at the appeal hearing?

Most appeals take about 30 minutes to be heard, but they may take longer.

Please note that more than one appeal is heard during the day, so there may be a delay in starting your appeal.

The clerk will telephone or Skype you as close to your appointment time as possible. The panel members will already be on the call but it the clerk will then need to add the presenting officer for the admission authority to the call. The Chair will introduce themselves and allow everyone present to introduce themselves. They will then explain that the format for the hearing, is usually:

1. The admissions authority representative will be asked to explain why admission has been refused to your child. This will be based on the papers sent to you before the hearing.



2. You will have an opportunity to ask any questions about the admissions authority's case. Your questions must relate to the case presented by the admissions authority. You should not talk about your case at this point.
3. The panel will ask the admission authority questions about the case they have put.
 1. If your appeal does not relate to Infant Class Size Prejudice, there will then be a short adjournment for the panel to decide if the authority has made its case, if so, they will move to the next stage.
 2. In Infant Class Size Prejudice appeals there is no adjournment, the case moves on without a break.
4. You can then put your own case to the appeals panel. The panel and the admission authority's representative will have already seen your written form and any evidence that you have submitted. However, you may want to give some more detail about your reasons for the appeal.
5. The admissions authority's representative will then have the opportunity to ask you any questions relating to your case.
6. The panel can ask you questions to clarify anything about your appeal.
7. After both sides have been given a chance to say all they want to, the panel will ask both sides to summarise their case.
8. You and the admissions authority representative will then leave the call.
9. The panel will not make their decision immediately. Several appeals may be held on the same day and decisions will not be made until all the appeals have been heard.

When will I know the decision?

The Appeals Business Manager will write to you to let you know the Panel's decision as soon as possible after the hearing and within 7 calendar days.

Please do not telephone us to ask for the decision as we are not allowed to tell any parent the decision over the telephone.

What if my appeal is successful?

Your child will be offered a place at the school and the school will contact you to discuss the admission arrangements.

What if my appeal is unsuccessful?

The decision of the Panel is final and binding on parents, the Council and the school.

Derby City Council staff, City councillors or even Members of Parliament cannot change the decision.

You could contact the Admission Section on [01332 642697](tel:01332642697) or email admissions@derby.gov.uk for advice about getting a place at another school, or to check where your child is on any waiting lists. It is important be aware that children can move both up and down waiting lists and there is no guarantee that a place will become available.

How do I make a complaint about the outcome?

If your appeal was for a maintained (Derby City Council) school, any complaint must be made to the Local Government Ombudsman (LGO).

If your complaint relates to an academy, please contact the Education and Skills Funding Agency.

Further appeals

You have the right to appeal for the same school only once every academic year.

However, the law says if the situation of yourself, the child or the school you were appealing for changes significantly, you may be able to have another appeal within the same year.

If you think this is the case, you should contact the Appeals Business Manager by emailing committee@derby.gov.uk.

Making a complaint

If you consider that the Panel did not follow the proper procedures, you can complain. In the case of a complaint relating to an appeal for a maintained (Local Authority) school, the complaint should be made to the Local Government Ombudsman (LGO) in writing to:

Local Government Ombudsman
PO Box 4771

Coventry

You can also contact them by:

Tel: 0300 061 0614

Email: advice@lgo.org.uk

Website: www.lgo.org.uk

In the case of a complaint relating of an appeal for an academy school, the complaint should be made to the Education and Skills Funding Agency (ESFA) in writing to:

ESFA – Academies Complaint and Customer Insight Unit

Cheylesmore House

Quinton Road

Coventry

CV1 2WT

You can also [submit an online enquiry form](#) from their website.



The LGO/EFSA is not able to overturn the Panel's decision but, where they find that there has been a procedural error, they may make recommendations for a suitable remedy. For example, they may recommend that an appeal is reheard by a different Panel with a different Clerk.

Independent advice

The Advisory Centre for Education (ACE) is an independent national advice service centre for parents of children in state funded schools. They offer information and advice on education, including school admission appeals.

They can be contacted using the [Advisory Centre for Education website](#) [Opens in new tab](#) or by phone on [0300 011 5142](tel:03000115142). Their availability is Monday to Wednesday between 10am and 1pm (term time only).

