

Title	Guidance for parents - Admissions Appeals
Prepared by	Madison Gough
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Last year the Department for Education applied temporary changes to the admissions appeal process due to the ongoing pandemic. The temporary regulations were originally put in place until 31 January 2021, however the deadline has now been extended until 30 September 2021 due to continuing circumstances. The main change in regulations means that panels can now be held virtually in accordance with current social distancing restrictions. For more information on the temporary regulations, please refer to this [briefing note](#).

Guidance for Parents - Admission Appeals

This is a guide for parents who are considering appealing an unsuccessful application for children who have not been allocated a place at an Elliot Foundation Academies Trust school. As the admissions authority, the Elliot Foundation Academies Trust is responsible for managing admissions and any subsequent appeal processes. This admissions appeal guidance refers to the Local Authority coordinated rounds of primary admission for pupils entering Reception and, in relation to Junior Schools, those entering Year 3.

The Admissions Authority and the right to appeal

The Local Authority is responsible for coordinating admissions and offers, whilst the Elliot Foundation Academies Trust is its own Admission Authority which means they are the body that manages the appeals process. In relation to admission appeals, the Trust is responsible for:

- Arranging an independent appeal panel to hear appeals for a place at the school
- Presenting evidence to the independent panel as to why the admission authority refused to admit the child who is the subject of the appeal

If a child has not been offered a place at an Elliot Foundation Academies Trust school that was the preferred choice, parents have the right, by law, to appeal to an independent appeal panel. On National Offer day (16th April 2021) the Local Authority will determine a successful or unsuccessful offer. If parents then wish to pursue an appeal based on this offer, they must submit their grounds for appeal in writing.

For parents who wish to appeal, please fill out the **Admission Appeal Form** (this is available on the school's website and the Elliot Foundation Academies Trust website) and

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send it back to the school once completed. If you have any issues with the application form please contact info@elliotfoundation.co.uk.

Reception entry appeals

In the normal round of admissions (Reception entry), infant class sizes are legally limited to 30 children per one teacher, therefore there are limited grounds for an appeal. If the school has to take extra steps to accommodate over this limit, this is known as class size prejudice. Please note that the panel's remit is to decide whether or not the child meets the published admission criteria and was subsequently failed by the allocation process or whether the Admission Authority correctly or incorrectly assessed the application/followed the procedure.

Parents must demonstrate in their appeal that the admission's criteria contravened the School Admissions Code or that the criteria has been applied incorrectly. The following reasons are grounds for appeal:

- If the admission arrangements were not in place properly or have not been followed correctly in accordance with the School Admissions Code and if they had been applied correctly then the child would have been offered a place
- If the hearing finds that the admission of an additional child would not breach the infant class size limit
- The decision to refuse entry is deemed legally unreasonable¹

If the panel finds that any of the above have occurred and that any additional children would not breach the 30 pupil size limit, the panel will then consider allowing admission for the child. The panel will look at how places were offered and why the child appealing was not offered under the criteria, additionally they will consider the parents individual circumstances.

Therefore, within the Admission Appeal Form, parents will want to include:

- Details on why you feel the decision is legally unreasonable and why you are not satisfied with the decision.
- If you feel something has been overlooked or not considered in the application process.

¹ In this instance, the legal definition of unreasonable refers to a decision made by the admissions authority that is 'not rational in terms of its legal responsibilities or an outrageous defiance of logic.'

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- Why you believe you think your child should have been given a place at that specific school.
- Any medical evidence, if appropriate, which may be from a medical professional or social worker.

The Trust appreciates that an appeal process can be stressful and worrying for parents. Therefore it is vitally important to note before you begin that although parents are legally entitled to appeal, it **does not** guarantee the success of the appeal or a place for your child at that school.

Please bear in mind alternative school options in the case that the appeal is unsuccessful; accepting a place at an alternative school does not affect any other ongoing appeals and it is vitally important that any child has a school place for September entry to Reception. If a parent is unsuccessful in their appeal and they are still not offered a place, they do not have the right to a second appeal for the same school in that same academic year in regard to their first application.

If the admissions authority accepts a second application for your child due to a significant change in circumstances but still do not offer a place, you can then undergo a second appeal. If your child is offered a place but not in the year group you prefer, you do not have the right to appeal, nevertheless you are still entitled to make a complaint in accordance with the Elliot Foundation Academies Trust Complaints Policy.

If your child has an Education, Health and Care plan (EHCP) that names the school you are appealing but the child has not been offered a place at the school, please contact the issuing Local Authority. The processes for admission appeals as described in this guide are not relevant in this particular circumstance.

Nursery applications are not statutory so they do not follow the same process if a parent is unhappy with an unsuccessful application. In this instance, parents should contact the school office to discuss the decision. Following this, if parents are still unhappy with the decision, they should contact the Principal to discuss. If the discussion does not resolve the issue, then parents may want to contact the Admission Authority via info@elliottfoundation.co.uk

Alongside this document, it might also be helpful to refer to the Department for Education's [Schools Admissions Appeal Code](#) and the [Schools Admissions Code](#) for further details

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The timescale for the appeal process

As the admissions authority, it is the Trusts' responsibility to manage the timescales for which the appeals process takes place. The timescale below is in accordance with the current temporary regulations in place as set out by the Department for Education.

The Trust's timetable for appeals (admissions for Reception and Year 3) is as follows:

National offer date for all primary schools	16th April 2021	Received offer for another school, indicating application to a TEFAT school was unsuccessful
Deadline for appeals	14th May 2021	Deadline is 28 days following offer as statutorily required in the temporary regulations
Appeals to be heard by	16th July 2021 ²	Panels will endeavour to be held 40 school days from the deadline
Following the hearing	Where possible, the clerk will send out the final decision letter within 7 calendar days of the hearing	

On behalf of the school as part of the appeal hearing process:

- Parents must receive written notification of appeal arrangements 14 calendar days prior to the appeal hearing with date, location and any other relevant information from the school and Trust
- Parents must receive a copy of the school's statement of case at least 7 calendar days prior to the appeal hearing

² This date is the deadline for appeals submitted by the 17th May 2021, appeals submitted after 17th May will be considered with 40 school days where possible, or within 30 school days of the appeal being submitted.

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- The deadlines for submitting evidence to the clerk by the parties involved and the date for circulating paperwork, should be considered on a case by case basis, taking into consideration the circumstances of each appeal

Parents may submit evidence after the Admission Appeals Form has been submitted, a deadline for late submission should be specified on a case by case basis. We urge that parents submit evidence as soon as possible to ensure that the panel has had a reasonable amount of time to consider the information prior to the hearing.

If you made an application outside of the normal admissions rounds (in-year admissions) and your application was unsuccessful, it is likely the year group was full. If you are making an appeal for an in-year admission, your appeal will be heard as soon as safely and practicably possible under the government's current guidelines. Schools will endeavour to hear all appeals within 30 school days or before the 16th July 2021, wherever possible.

For late applications lodged after the deadline, appeals should be heard within 40 school days from the deadline for lodging appeals where possible, or within 30 school days of the appeal being submitted.

Appeals will not be held during school holidays.

Next steps and undergoing the appeal process

As shown above in the timescales of the appeal process, your appeal will be heard within 40 days of being lodged. The appeal hearing may be conducted in two ways; the panel will either hear both cases and decide whether to uphold the original decision or the panel may choose to hear only the admission authority's case and uphold the appeal at this stage. If the panel does not uphold the appeal, they will then hear and consider the parents' case for appeal. It might be useful for you to prepare any questions you may have for the panel.

Under the current temporary regulations set out by the Department for Education, there is no longer a requirement to have face-to-face hearings. Hearings can be conducted via telephone or video conferencing. Where this is not possible, appeals conducted entirely on the basis of written submissions are also acceptable.

The panel itself is composed of:

- An independent clerk; to provide impartial advice and manage the administrative aspects of the appeal i.e distributing paperwork, writing and disseminating the

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decision letter

- The presenting officer; a representative of the admissions authority
- The independent appeals panel; the panel hear and decide whether to uphold or dismiss the appeal
- And yourself, the appellant

In the instance that the parent or presenting officer is unable to attend, the panel may still go ahead and will consider the appeal on the basis of the written evidence provided by both parties. Alternatively, permitting that it suits all parties, the hearing date can be rearranged.

As the appellant, you may bring someone to support you at the hearing. The Trust recognises that it can be a daunting experience, the panel procedures aim to make you feel at ease throughout the process. If you require a translator please make the organiser aware beforehand.

For further advice for parents and guardians considering appealing, please see the [Department for Education's guidance](#).

Complaints Procedure

If the panel upholds the admission authority's decision, you do not have the right to a second hearing in the same academic year in the same school. The panel has no other powers and their final decision is binding. However, if you believe the panel acted incorrectly, you are entitled to make a complaint on the grounds of maladministration. Within this complaint, you must demonstrate that the panel failed to provide you with a fair hearing, for example, failure to act independently or failed to follow the correct procedure.

We appreciate that as a parent you may be disappointed if the panel upholds the admission authority's decision, however, appropriate grounds for complaint must be within the remit of failure to act as a fair and independent body.

If this is the case, to lodge a complaint against the appeal panel you should submit your complaint to the [Education and Skills Funding Agency](#).