



## How to appeal a School Place

Our practical Guide to School Place Appeals, which explains everything you need to know about appealing a school's decision not to give your child a place.

See below for our guide on how to appeal a **Primary School** place.

[Click here](#) to read our guide on how to appeal a **Secondary School** place.



---

## Contact Us

T. 0808 239 6964  
[www.simpsonmillar.co.uk](http://www.simpsonmillar.co.uk)

 @SimpsonMillarOpenLawyers  
 @simpson\_millar

# A Guide to Primary School Place Appeals

---







“Thank you for downloading our School Admission Appeal pack. We hope this provides some support and reassurance during this stressful time as you seek to get your child into your chosen school. In our many years of experience, we’ve learnt that careful consideration of the key points can make a huge difference to the outcome you want to achieve. We hope this guide points you in the right direction towards reaching your goal.”

- Sarah Woosey, Partner, Education & Community Care Solicitor

## What to do if your child doesn’t get a place at your preferred school

If you’ve expressed a preference for a particular primary school and your child didn’t get a place, you have a right of appeal, even if the school that rejected them wasn’t your first choice.

You’ll be sent an appeal form with the letter telling you whether or not your child got a place at a particular school. Send this back within the timescale given (at least 20 school days), giving reasons why your child should have been awarded a place.

Don’t worry if you don’t have all the information that you’d like to submit to support your appeal, as this can be lodged at a later date. If the letter doesn’t enclose the form, contact the admission authority immediately to get details of their appeal process.

## Who is the admission authority?

The admission authority is the body that determines what criteria are used if the number of applications exceeds the number of places. It’s also responsible for arranging an admission appeal.

Details of the admission authority for each type of school are as follows:

- ▶ Community Schools – Local Authority
- ▶ Academies – The Academy Trust
- ▶ Foundation School – The Governing Body
- ▶ Voluntary Aided School – The Governing Body
- ▶ Voluntary Controlled School – The Local Authority

## What to consider when lodging your appeal

Your appeal will be heard by an Independent Appeal Panel (IAP), which is set up by the admission authority of the school that’s turned your child down. It helps to understand what determines the IAP’s decisions before telling them the reasons why you’re lodging an appeal.

Look at the information you’ve been sent to find out if your appeal will be dealt with under the infant class size regulations or if it will be a two-stage process. With the latter, Stage 1 considers the arrangements put in place by the admission authority when considering who to offer places to, and Stage 2 looks at your personal circumstances.

If how your appeal will be dealt with isn’t clear, ask the admission authority for details of the number of pupils who have been admitted in the relevant year group. Alternatively, we can ask on your behalf.

## Class size limits

Currently, infant class sizes are limited to 30 pupils per school teacher. If the appeal is for a place in a Key Stage 1 class, (usually Reception, Year 1 and Year 2, or children reaching 5, 6 or 7 years of age during the school year) and there will be 30 pupils per school teacher, then only in very limited circumstances can admission over the limit be permitted.

When obtaining this information, consider whether intake limits look as though there may be fewer than 30 pupils. Some schools may arrange their classes to accommodate joint year group teaching, where children from any Key Stage 1 class will be taught together based on ability. In these circumstances, you may still be addressing infant class size arrangements rather than the normal admission appeal arrangements.

## Infant Class Size Appeals

The Panel will firstly examine the decision to refuse admission, and will uphold an appeal only if it finds:

- ▶ That the admission of additional children wouldn't breach the infant class size limit
- ▶ The admission arrangements didn't comply with admissions law or weren't correctly and impartially applied
- ▶ That the decision to refuse admission wasn't one which a reasonable admission authority would have made in these circumstances

To find out whether infant class size limit regulations are being followed, ask the school for details on the number of teaching staff available and how it arranges its classes, or we can ask the school for you.

## Find out the school's over-subscription criteria

These should be available on the school website or from your local authority.

Over-subscription criteria can vary from school to school, but often include the following:

- ▶ Siblings at the school
- ▶ Distance from the school
- ▶ Catchment areas (as long as these are reasonable and clearly defined)
- ▶ Feeder schools (transparent and made on reasonable grounds)
- ▶ Social and medical need
- ▶ Faith based over-subscription criteria
- ▶ Children of staff at the school



## Research successful school admissions

After finding out the over-subscription criteria for the school, ask the school for details on what categories the children who got a place were accepted under.

## Consider possibility of human or computer error

We can help you find out if human or computer error may have affected the decision. For instance, was distance calculated inappropriately? Did the local authority fail to take account of information that was provided on the original application form?

## Other grounds for challenge

Admission authorities must only use the published admission criteria to allocate the places at the school. If they don't, you have grounds to challenge their decision.

### They should not:

- ▶ Take into account any previous school attended unless it's a named feeder school
- ▶ Introduce any further selection by ability
- ▶ Interview children or parents
- ▶ Request financial contributions
- ▶ Request a photograph of a child as part of the admissions process
- ▶ Prioritise children on the basis of their own or their parents' past or current hobbies or activities
- ▶ Take account of reports from previous schools about children's past behaviour, attendance, attitude or achievement
- ▶ Give priority to a child according to their parents' occupational, marital, financial or educational status
- ▶ Give priority to children whose parents have given practical or financial support to the school or an associated organisation

Once a place has been offered, it can't be withdrawn unless the place was offered in error, obtained by fraud or not accepted in a reasonable time frame. If this happened to you, get in touch with us for further legal advice.

## Personal and family circumstances

At this stage, parents may choose to include information about their personal and family situation, as it can help persuade a Panel that refusing the child a place is unreasonable. However, a high standard of proof is needed if you want to prove a Panel acted unreasonably.

Personal family circumstances aren't taken into account unless you can argue that all the relevant information was submitted to the authority and it has unreasonably failed to consider it.

If you think that there may be a procedural argument which could strengthen your appeal, contact us for legal advice.



## Preparation for the hearing

The admission authority should inform you in good time, within at least 10 school days, of the date and venue of the hearing.

The hearing should take place within 40 days of the deadline for lodging the appeal. The admission authority will also give you a date by which the Panel would like to receive any additional information to support your case.

It's advisable to provide any information you'd like them to consider by this date. If for any reason some information arrives later than expected, it may be considered on the day if the amount of late information isn't significant. If you have late information to submit, take copies along for the Authority, Panel and the Clerk.

We advise that you attend the hearing, as it will be important to make any arguments you may wish to raise about the admission authority's case. If you don't attend, the Panel will decide your case solely on the paperwork.

The usual structure of the proceedings is as follows:

- ▶ Case for the admission authority
- ▶ Questioning by appellants (those making the appeal) and Panel
- ▶ Case for the appellant
- ▶ Questioning by the admission authority and Panel
- ▶ Summing up by the admission authority
- ▶ Summing up by the appellant
- ▶ Decision

Be mindful of any variation, as the Panel has an overriding duty to ensure that all parties have an adequate opportunity to present their case.

## Timeline

- ▶ Negative decision received
- ▶ Consider completion of appeal form and prepare initial reasons for appeal
- ▶ Submit appeal form by given deadline (at least 20 school days from decision date) with reasons and any supporting documentary information you may have
- ▶ Prepare for hearing – 10 school days' notice of hearing date must be provided
- ▶ Appeal hearing (within 40 school days for the normal admissions round, and 30 school days for 'in-year' admissions)
- ▶ Decision (in writing within 5 school days)



## Following the appeal

The admission authority should give their decision in writing as soon as possible after the hearing but not later than 5 school days.

The letter should give detailed reasons as to why the Panel reached their final decision. If the letter doesn't refer to your individual circumstances and summarise the arguments raised at the hearing, it may not be lawful and could be subject to challenge.

Our Public Law Solicitors can advise in this instance, as any challenge must be made as soon as possible after the decision has been made, as very short time frames apply.

You can also speak to us if you're unhappy about any aspect of the process or how the hearing was dealt with.

## Fixed Fees

**We can offer you a bespoke telephone consultation with one of our expert Education Lawyers.**

### Admission Appeals Telephone Advice

1 hour of advice and assistance provided to the client; this includes the review of up to 15 pages of paperwork sent from the client and a follow-up telephone call to provide advice on tactics and the appeal process.

**£300  
inc  
VAT**





# A Guide to Secondary School Place Appeals

---







“Thank you for downloading our School Admission Appeal pack. We hope this provides some support and reassurance during this stressful time as you seek to get your child into your chosen school. In our many years of experience, we’ve learnt that careful consideration of the key points can make a huge difference to the outcome you want to achieve. We hope this guide points you in the right direction towards reaching your goal.”

- Sarah Woosey, Partner, Education & Community Care Solicitor

## What to do if your child doesn’t get a place at your preferred school

If you’ve expressed a preference for a particular school and your child didn’t get a place, you have a right of appeal, even if the school that rejected them wasn’t your first choice.

You’ll be sent an appeal form with the letter telling you whether or not your child got a place at a particular school. Send this back within the timescale given (at least 20 school days), giving reasons why your child should have been awarded a place.

Don’t worry if you don’t have all the information that you’d like to submit to support your appeal, as this can be lodged at a later date. If the letter doesn’t enclose the form, contact the admission authority immediately to get details of their appeal process.

## Who is the admission authority?

The admission authority is the body that determines what criteria are used if the number of applications exceeds the number of places. It’s also responsible for arranging an admission appeal.

Details of the admission authority for each type of school are as follows:

- ▶ Community Schools – Local Authority
- ▶ Academies – The Academy Trust
- ▶ Foundation School – The Governing Body
- ▶ Voluntary Aided School – The Governing Body
- ▶ Voluntary Controlled School – The Local Authority

## What to consider when lodging your appeal

Your appeal will be heard by an Independent Appeal Panel (IAP), which is set up by the admission authority of the school that’s turned your child down.

In the normal admissions round for a place in year 3 or above, there are two stages to follow.

### Stage 1: Examination of the decision to refuse admission

This stage isn’t based on your personal circumstances, but the arrangements put in place by the admission authority when considering who to offer places to. Among the issues to be considered is whether the admission arrangements were applied correctly and impartially.

Next, the IAP will decide whether admitting additional children would affect the school’s ability to provide efficient education and use of resources. If it decides that the admission arrangements weren’t applied correctly or impartially, and that admitting another child wouldn’t adversely affect the school, the Panel must uphold the appeal.

But remember, other parents might be appealing for places at the same school. That means your appeal may be turned down on the basis that admitting all these children would seriously prejudice the provision of efficient education or efficient use of resources.

## **Tips for parents**

### **Find out the school's over-subscription criteria**

These should be available on the school website or from your local authority.

Over-subscription criteria can vary from school to school, but often include the following:

- ▶ Siblings at the school
- ▶ Distance from the school
- ▶ Catchment areas (as long as these are reasonable and clearly defined)
- ▶ Feeder schools (transparent and made on reasonable grounds)
- ▶ Social and medical need
- ▶ Faith based over-subscription criteria
- ▶ Children of staff at the school

In some circumstances, the criteria may be more complex and require further investigation ahead of the appeal hearing. For instance, designated grammar schools can select on the basis of high academic ability.

If you believe any of the requirements aren't fair or reasonable, you may be able to argue they don't comply with the School Admissions Code.

If there are complex admissions criteria affecting your child, get in touch with us for specialist legal advice.

## **Research successful school admissions**

After finding out the over-subscription criteria for the school, look at what categories the children who got a place were accepted under. This can ensure you're satisfied as to which category your child would have been accepted under and why they haven't been offered a place.

## **Consider possibility of human or computer error**

We can help you find out if human or computer error may have affected the decision. For instance, was distance calculated inappropriately? Did the local authority fail to take account of information that was provided on the original application form?



## Find out how the school “operates”

Ask the school for key information, such as:

- ▶ The number of pupils in each year group
- ▶ How many pupils have been allocated a place for the next academic year and the categories they were allocated under
- ▶ Net capacity of the school, including breakdown of classroom sizes and additional social space
- ▶ Confirmation of whether any building or expansion plans are set to occur in the next two years
- ▶ How many children in the school have the benefit of a statement of special educational needs and the number of pupils who are on School Action or School Action Plus within each year group
- ▶ The number of teaching staff available including teaching assistants and support staff
- ▶ Does the school put children in sets or are they taught in form groups?

If you don't want to ask the school for this information, we can ask on your behalf.

Admission authorities must only use the published admission criteria to allocate the places at the school. If they don't, you have grounds to challenge their decision.

### They should not:

- ▶ Take into account any previous school attended unless it's a named feeder school
- ▶ Introduce any further selection by ability
- ▶ Interview children or parents
- ▶ Request financial contributions
- ▶ Request a photograph of a child as part of the admissions process
- ▶ Prioritise children on the basis of their own or their parents' past or current hobbies or activities
- ▶ Take account of reports from previous schools about children's past behaviour, attendance, attitude or achievement
- ▶ Give priority to a child according to their parents' occupational, marital, financial or educational status
- ▶ Give priority to children whose parents have given practical or financial support to the school or
- ▶ An associated organisation.

Once a place has been offered, it can't be withdrawn unless the place was offered in error, obtained by fraud or not accepted in a reasonable timeframe. If this happened to you, get in touch with us for further legal advice.

## Stage 2: Present your case

This is your chance to put your argument forward to the IAP and the Panel will look at your reasons for wanting a child to go to a particular school.

### Tips for parents

#### Don't make your argument about the school itself

Don't simply say that a pupil should attend a particular school because it has a better league table result or Ofsted reports. Other parents will be saying the same thing.

Equally, don't say that the school your child has been allocated to is poorly performing and your child is bright, so would suffer academically at that school. Panels may decide that academically able pupils with supportive families can thrive at any school.



## Put your child at the centre of your case

Focus your argument on your child and why their needs can only be met at your preferred school.

There are many specific issues you could refer to when making this case, such as:

- ▶ The provision of music or a particular sport they excel at isn't available at other local schools
- ▶ Whether there are health issues for your child or family members that make attendance at that particular school a necessity
- ▶ Family reasons why attendance at a particular school may or may not be advisable (i.e. step families)
- ▶ Previous school history, such as if your child has been the victim of bullying and the perpetrators are all going to be attending that school
- ▶ Any other social reasons why the school would be appropriate. For example, if your child is very shy and has great difficulty settling, but would have the support of friends and family at your preferred school

## Present evidence

Gain supporting evidence to back up the facts you're presenting, such as information from the child's primary school or social groups they attend. By putting your child's needs at the heart of your argument, the Panel may decide that the harm to your child in refusing them a place outweighs the problems a school might face in admitting an extra pupil.

Ultimately, your aim is to make your reasons different to those presented by others, so that your child is set apart from other families who are appealing.

## Preparation for the hearing

The admission authority should inform you in good time, within at least 10 school days, of the date and venue of the hearing.

The hearing should take place within 40 days of the deadline for lodging the appeal. The admission authority will also give you a date by which the Panel would like to receive any additional information to support your case.

It's advisable to provide any information you'd like them to consider by this date. If for any reason some information arrives later than expected, it may be considered on the day if the amount of the late information isn't significant.

If you have late information to submit, take copies along for the Authority, Panel and the Clerk.

In larger, multiple appeals for more popular schools, the Stage 1 part of the appeal hearing may be heard on a different day and time from Stage 2. Stage 1 may involve all the parents who are appealing as the issues to be discussed will relate to the school's situation, rather than your specific individual case. Confidential and personal reasons can then be put forward at Stage 2.

We advise that you attend both stages of the process, as it will be important to make any arguments you may wish to raise about the admission authority's case at Stage 1. The Panel will already have made a decision about the school's case prior to moving to Stage 2 and you will lose the opportunity for raising any arguments if you don't attend.

It's also advisable to attend Stage 2 of your hearing, as if you don't, the Panel may decide your case solely on the paperwork. If for any reason you can't attend a hearing on a given date, get in touch with the admission authority to rearrange the date, if possible.

## The usual structure of the proceedings is as follows:

The admission authority should inform you in good time, within at least 10 school days, of the date and venue of the hearing.

- ▶ Case for the admission authority (stage 1)
- ▶ Questioning by parents and Panel
- ▶ Stage 1 decision
- ▶ Case for the parents (stage 2)
- ▶ Questioning by the admission authority and Panel
- ▶ Summing up by the admission authority
- ▶ Summing up by the parents
- ▶ Decision

Be mindful of any variation, as the Panel has an overriding duty to ensure that all parties have an adequate opportunity to present their case.

## Timeline

---

- ▶ Negative decision received
- ▶ Consider completion of appeal form and prepare initial reasons for appeal
- ▶ Submit appeal form by given deadline (at least 20 school days from decision date) with reasons and any supporting documentary information you may have
- ▶ Prepare for hearing – 10 school days' notice of hearing date must be provided
- ▶ Appeal hearing (within 40 school days for the normal admissions round, and 30 school days for 'in-year admissions')
- ▶ Decision (in writing within 5 school days)

## Following the appeal

---

The admission authority should give their decision in writing as soon as possible after the hearing but not later than five school days.

The letter should give detailed reasons as to why the Panel reached their final decision. If the letter doesn't refer to your individual circumstances and summarise the arguments raised at the hearing, it may not be lawful and could be subject to challenge.

Our Public Law Solicitors can advise in this instance, as any challenge must be made as soon as possible after the decision has been made as very short time frames apply.

You can also speak to us if you're unhappy about any aspect of the process or how the hearing was dealt with.



## Fixed Fees

We can offer you a bespoke telephone consultation with one of our expert Education Lawyers.

### Admission Appeals Telephone Advice

1 hour of advice and assistance provided to the client; this includes the review of up to 15 pages of paperwork sent from the client and a follow-up telephone call to provide advice on tactics and the appeal process.

£300  
inc  
VAT







---

## Contact Us

T. 0808 239 6964

[www.simpsonmillar.co.uk](http://www.simpsonmillar.co.uk)

 @SimpsonMillarOpenLawyers

 @simpson\_millar