FAQs for School Appeals

My child has not been given a place at the school I applied for, what can I do?

You are entitled to appeal the decision to refuse your child a place at any school you named on your In year application form. In most cases this will be because the school is full and have a waiting list which is allocated in accordance with the school's oversubscription criteria. Alternatively, if you applied for a grammar school and your child did not achieve the entrance criteria a place has been refused as your child does not meet the admission arrangements for the school.

How will my appeal be considered?

The Independent Appeals Panel intends that your appeal will be conducted under a virtual setting. If you can demonstrate an equality consideration that prevents you from accessing the hearing virtually, and you do not have reasonable support to do so, please email admissions@hartsdown.org, setting out your reasons. There would need to be clear grounds to identify an alternative format for the appeal to be heard.

It is important that you send in any information that you feel would support your case as the Panel will not be able to consider evidence if it is not submitted.

When will my appeal be considered?
For any in year appeal, arrangements must be completed within 30 school days of submitting your appeal. Appeals can only be heard during term time only.
Once you have submitted your appeal you will be told by the Clerk to the Appeals Panel when your case will be considered along with your appeal paperwork.

Who will consider my appeal?

Your case will be considered by an Independent Appeal Panel. There are usually 3 people on the panel, at least one member will have experience in education and at least one will be a lay person, they are independent of the school, Trust and Local Authority. They make the decision on whether to uphold or dismiss your appeal. If the Panel upholds your appeal the school must offer your child a place at the school. If the Panel does not uphold your appeal, then the school will not offer your child a place at the school.

There will also be a Clerk in attendance, they are independent of the school and are responsible for the administrative arrangements for the appeal, keep the official note of what is discussed and give independent and impartial advice on the appeals process and admissions law to the Panel Members.

How do I make an appeal?

Please visit our website at www.hartsdown.org to lodge your appeal.

What else should I do before I make an appeal?

You should also consider accepting any offer of a school place you receive to ensure that your child has a place should your appeal not be successful. Accepting another offer has no bearing on your appeal and the appeals process and does not limit other options available to you.

How do schools allocate places?

When a school receives more applications from parents than it has places available, not every child can be successful in securing a school place.
The school will use its admissions criteria, also known as oversubscription criteria, to decide which children to allocate places to, this sets out the order in which they will

allocate places. Before you make an appeal it will be helpful for you to understand how the school allocated their places, so you can understand why your child did not get a place. Once an In year application has been issued to the school, they must respond to you within 15 school days and set out their reasons for refusing a school place, along with details as to how you can appeal to an Independent Appeals Panel.

What information should I give to the Panel?

It's important that you clearly set out the reasons why your child should have a place at your choice of school.

You can make an appeal because you want your child to attend a particular school over any other, but the stronger your reasons, the better chance you have of your appeal being successful. You should focus on what the school can offer that meets your child's needs. This can include;

- what the school can offer that other schools cannot
- what the impact will be on your child in not attending the school of your choice.

Every school has a Published Admission Number (PAN). The PAN is the maximum number of pupils that they will admit to each year group. You may believe that the school could take additional pupils, if so, you could ask the school to provide you with information to help you make your case.

You can also appeal if you believe that the admission authority did not apply their admission arrangements properly and if they had applied them properly, they would have offered your child a place at the school. You should explain why you believe this is the case and refer to the part of the admission arrangements that you believe has not been applied properly.

If your child did not meet the required standard in the Kent Test/entrance test, the Panel will firstly consider whether there is sufficient evidence that the child is of grammar school ability. To support your appeal, you could include school reports/assessments and references from your child's current or previous school that show your child is of grammar school ability. School work cannot be submitted.

In addition, you may wish to incorporate answers to some of the following questions that Panel Members would usually ask when relevant.

- The scores they attained in the Kent tests/own entrance test were some way below that of children assessed as suitable for admission to the school. If they were to be offered a place, can you tell the Panel how they would cope working with children who may/will be of greater ability and probably working at a much faster pace?
- Did they have any additional tuition to help them with the tests?
- What support did the school provide in terms of special arrangements if requested for the tests?
- Please explain why you think your child did not meet the required standard in the paper where they scored lower than the required level.
- You mention a health issue in your appeal, please explain how this affected they education at primary school? Please include a clear chronology of events with dates if possible.
- If English is an additional language? You may wish to address this in your appeal, particularly if it is not the language spoken at home.

If the Panel find sufficient evidence that the child is of grammar school ability, they will move on to the second stage of the appeal to consider and balance the prejudice to both the school and the appellant based upon the school's defence statement. You may

therefore wish to also incorporate answers to the following questions in your submission. **(see below)**

For all appellants .You may wish to incorporate answers to some of the following questions that Panel Members would usually ask when relevant. Remember, you will also have an opportunity to present your case on the day of the appeal.

- Have you visited the school?
- What did you like about the school?
- When you looked round other schools what was it about **this** school that makes you believe it's the right/only school for your child?
- What can the school you want provide for your child that the offered school cannot?
- How will you get your child to the school allocated?
- What's the journey like to the school allocated?
- Are there any health/equality act issues raised in the case?
- What are the problems you will face if they does not get a place at the school?
- What support do you have locally?

Is there anything that the Panel will not accept?

Yes. Examples of school work your child may have undertaken will not be accepted as the Panel will not be able to make a proper judgement about its quality. The members would have nothing to measure it against and would not know the depth of the work submitted. Also, they would not know whether the work had been carried out unaided.

Can I submit additional evidence after the deadline submitting my appeal?

It is suggested that you provide all of your information at the time of appealing, however if you cannot send all the information and supporting evidence you want to at the time you submit your appeal, it's important you send it at your earliest convenience.

You will be supplied with a copy of all of your case papers at least 10 calendar days in advance of the date when the Panel will meet to decide your appeal. At this time you will be issued with all documents relating to your appeal, including the individual statement as to why a place was not offered to your child. Within the first 5 calendar days of these papers being issued to you, you will have an opportunity to add any further information. After that time there may not be a chance to provide additional information as the Panel would require sufficient time to consider your case.

All paperwork will be issued to you electronically via Microsoft Teams and further instructions will be issued to you nearer the time.

What happens at an appeal hearing?
You will be issued with a link to the time and date of your appeal with instructions of how to access the hearing.

On the day of the appeal, you will be asked to wait in an online waiting area and will be brought into the meeting via the clerk. Along with the 3 Panel Members and clerk, will also be a representative from the Admission Authority. At no time must either yourself or the Admission Authority representative be left alone with the Panel, unless the clerk is present. If there are any technical issues and any party drops out of the hearing, the clerk will ask you to leave and re-join the meeting, you will remain in the waiting area until all parties are present.

If you do not wish to, or find that you cannot attend your appeal on the day, for whatever reason, the Panel Members may hear the appeal in your absence and make their decision

based on the information available to them at the time. If you are not attending the appeal, please email appeals@kent.gov.uk letting the Administrator know in advance so that the Clerk is aware of this.

You are welcome to bring someone to help you put forward your case.

Your 'friend' or adviser at a hearing can be a locally elected politician, or an employee of the local education provided that this will not lead to a conflict of interest.

This is an informal tribunal, but obviously it needs to be properly organised. The normal procedure is as follows:-

- The Chairman welcomes you to the meeting and introduces the Appeal Panel. During the hearing the Clerk will take notes of what is said in case the Panel needs to refer to them afterwards. These are not published. The Clerk will also be responsible for giving legal and procedural advice to the members of the Appeal Panel.

- The representative from the Admission Authority begins by explaining why your child has not been offered a place at your preferred school. If you wish to ask any questions about what has been said you may do so.

- The Chairman will then invite you to present your case. Remember that the Panel will have read all the documents in advance so it is not essential to go over everything in detail. The Panel and the Admission Authority representative may then ask you questions if they need more information.

- The Chairman will ask you if you feel that you have had the opportunity to present your case and all the information that you wish the Panel to take into account in reaching its decision, as once the summing up has taken place there is no further opportunity for either side to add to their case.

- The hearing finishes with the Admission Authority representative, and then you, having a chance to sum up.

- At the end of the hearing you and the Admission Authority representative will be removed from the hearing while the Appeal Panel considers the case in private. The Clerk will stay behind to record the Panel's decision. *(Please be aware that where several appeals for the same school are being held, decisions will not be made on individual cases until all of the appeals have been heard).*

(The Panel members may ask questions at any time to make sure that they understand all the points made by you and the School representative or if they need more information in order to reach a decision.)

Decision Making

The Panel will then discuss and make a decision to either uphold or dismiss your appeal. If the child was not offered a place at the school on the grounds of their Kent Test/schools own entrance test, then Panel Members must consider the child's academic attainment. If they do not find the adequate academic evidence, the appeal is not successful, and the Panel are not required to move to the second stage. The second stage is for where;

- the child met the required standard in the Kent Test or entrance test but was not offered a place because there were other children who more closely met the school's admissions criteria

or

- the Panel found sufficient evidence of grammar ability in the children who had not met the required standard in the test.

At the second stage, the Panel will weigh up your case for wanting your child to attend the school against the school's arguments for not being able to admit another child. The Panel will uphold your appeal if it finds that the negative impact on your child of not attending your preferred school outweighs the case put forward by the school's case as to why it cannot admit any more pupils.

When will I be told if my appeal has been successful?
You will receive notice of the outcome electronically via Microsoft Teams.
The Clerk will normally provide this link to you within 5 School days to notify you of the Panel's decision. If the Panel is hearing a large number of appeals, this will be the 5th School day after the last appeal is considered.
The decision of the Appeal Panel is binding and only the courts, by way of a judicial review, can overturn a decision.
If the Panel upholds your appeal the School must admit your child.
If the Panel does not uphold your appeal you still have a number of options you may wish to consider.

If the panel does not uphold my appeal what else can I do?
You may wish to put your child's name on the school's waiting list (if you have not already done so), even where you have accepted a place at another school. Schools must operate a waiting list for at least the first term of each school year of admission (until 31 December). Children who are on the waiting list are ranked by how closely they match the school's oversubscription criteria, not how long they've been on the list. If your child did not pass the Kent Test/entrance test, then they would not be permitted to be added to the waiting list.
It's your responsibility to secure suitable education for your child and you may want to seek an alternative school place. If your child is without a school place, contact your Local Authorities Admissions Team depending on where you are located, who will be able to advise and inform you of other available places in the area.
You may only appeal to the same school once per academic year.
Relevant Legislations

In accordance with regulations issued by the Department for Education (DfE), Independent Appeals Panels and Admission Authorities must adhere to:

- School Admissions Code 2021: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001050/School_admissions_code_2021.pdf
- School Admission Appeals Code 2022; https://www.gov.uk/government/publications/school-admissions-appeals-code
- Guidance for parents/guardians from the DfE on the appeals process: https://www.gov.uk/government/publications/admission-appeals-for-school-places