

# School Admission Appeals

## Guide for Parents (including Appeals Timetable)



### Introduction

If your child has been refused a place at your preferred school(s) by the Admissions Authority, you have the right to appeal against the Admission Authority's decision. This guide covers arrangements for parents wishing to appeal against admissions decisions. Appeal arrangements are made in accordance with the appropriate legislation (set by the Government) called the *School Admission Appeals Code*. You can view the Appeals Code online at [School admission appeals code - GOV.UK \(www.gov.uk\)](https://www.gov.uk/school-admission-appeals-code).

The purpose of an appeal is to provide a transparent and independent hearing, which is clear and consistent for all appellants. The appeals panel is **impartial from any admissions authority** so both parties can be confident that they will be given a fair hearing. The Appeal Panel will:

- Review how the application for admission was considered originally
- Allow both the appellant and the relevant admission authority the opportunity to present their respective cases before they reach a decision.

**The decision of an Appeal Panel is FINAL and legally binding on all parties.**

**Please note:** Children who have been permanently excluded from two or more schools do not have the right of appeal.

### Admission Authorities for Sefton Schools

The table on page 2 sets out who is the Admission Authority for each type of school within Sefton and indicates who is responsible for arranging an Admission Appeal hearing against the refusal of a school place.



## Admission Authorities for Sefton Schools

To check for the type of school you have been refused a place at, please look at the individual school details in the Sefton Schools Information Guide which is available to view on the Sefton website at [www.sefton.gov.uk/startingschool](http://www.sefton.gov.uk/startingschool)

| Type of School  | Who is the Admission Authority? | To whom do I send the request for an appeal hearing if a place has been refused?   |
|---|---------------------------------|--|
| Community & Voluntary Controlled Church of England                  | Local Authority                 | Local Authority  |
| Catholic Voluntary Aided & Catholic Academies (Primary & Secondary) | School Governing Body           | Liverpool Archdiocese<br><a href="http://www.liverpoolcatholic.org.uk/department/education">www.liverpoolcatholic.org.uk/department/education</a>  |
| Church of England Voluntary Aided                                   | School Governing Body           | Chair of Governors<br>c/o the school   |
| Secondary Academies (non-faith)                                     | School Governing Body           | Local Authority  |
| St Michael's Church of England High School (Academy)                | School Governing Body           | <b>For Year 7 entry - Sept 2023</b><br>Go to school website to access appeal form:<br><a href="http://www.stmichaelshigh.com">www.stmichaelshigh.com</a><br><br><b>For In Year/School Transfer applications</b><br>Local Authority (see below) |
| Church of England Primary Academies (except for St Andrew's)        | School Governing Body           | Chair of Governors<br>c/o the school   |
| Primary Academies (non-faith) & St Andrew's Maghull CE Primary      | School Governing Body           | Local Authority  |

### Please note:

#### St Michael's Church of England High School (Academy)

For Year 7 entry into the school in September 2023, the School will administer the appeals for pupils transferring from Primary School. You can access the appeal form via the school's website or by contacting the school directly.

For In Year admission and school transfer appeals for all other year groups (and Year 7 once the academic year has begun), the Local Authority will administer the appeals. You should submit your appeal using the Local Authority appeal form and send it to Sefton School Admissions Team (see contact details on page 11).



## **Catholic Primary & Catholic Secondary schools (including Catholic Academy schools) are responsible for their own admissions decisions and appeals**

To appeal against a refusal to admit a child into a Catholic school you must submit your appeal via **Liverpool Archdiocese, Schools Department**. You can do this by requesting an appeal form online at: [www.liverpoolcatholic.org.uk/departments/education/admissions-and-appeals](http://www.liverpoolcatholic.org.uk/departments/education/admissions-and-appeals)

Contact details for the Archdiocese are also shown on page 11 of this guide.

## **Church of England Schools (including Voluntary Aided & CE Academy Schools\*) are responsible for their own admissions decisions and appeals**

To appeal against a refusal to admit a child into a Church of England school\*, appeal should be made in writing to the Chair of Governors at the individual school.

*\*Excluding St Andrews Maghull CE Primary.*

## **Community and Voluntary Controlled (Church of England) Schools Sefton Local Authority is responsible for their admissions decisions and appeals.**

You should submit your appeal using the Local Authority appeals form and send it to Sefton School Admissions Team – see contact details on page 11.

## **Non-faith Academy Schools and St Andrews Maghull CE Primary**

Sefton Local Authority administers appeals on behalf of these Academy schools. You should submit your appeal using the Local Authority appeals form and send it to Sefton School Admissions Team – see contact details on page 11.

## **Infant Class Size Appeals - Reception, Year 1 & Year 2**

Government legislation requires that any infant age group classes (Reception, Year 1 and Year 2) should not accommodate more than 30 pupils with a single qualified school teacher. The Authority will refuse admission to any child, if admitting the child would take the class over the limit of 30 children. There are very limited exceptions to this.

An appeal against such a decision **can only be allowed** if the Appeal Panel is satisfied that either:

- The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case; or
- The child would have been offered a place if the Local Authority's admission arrangements had been implemented properly.



In this context, 'reasonable' has the legal meaning of 'not perverse', therefore the threshold for finding that an Admission Authority's decision to refuse admission was not one that a reasonable authority would have made is high and must be: -

*'Beyond the range of responses open to a reasonable decision maker or a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it'.*

With such appeals, the Appeal Panel will simply hear the Authority's explanation as to why a place had been refused followed by your reasons for saying that the appeal should be allowed on one of the grounds referred to above before making their decision.

## **What happens if I decide to appeal?**

You should submit the relevant application for appeal to the appropriate admission authority (see table on page 2) by the date specified in the refusal notification that you have received. In respect of admissions in the normal admissions round (Reception and Year 7) please refer to the timetable on page 12 of this guide. You may wish to submit other documents e.g., medical, educational, or other professional reports or letters and these should be included with your appeal form wherever possible.

Do not delay in submitting your appeal form if you are waiting for other documents as these can be sent at a later date. The Admission Authority will provide all relevant documents to the Clerk to the Independent Appeal Panel. The Clerk will then arrange for your appeal to be heard. Where there are a number of appeals for the same school, the Appeal Panel will make every effort to hear all appeals together, possibly over a period of several days.

If an appellant wishes to submit further evidence which was not included with their initial appeal, they must make sure that it is received within a reasonable time prior to the hearing date (normally three working days). Any additional evidence or information received too late may not be able to be considered at the appeal hearing. The Appeal Panel must decide whether it should be considered, taking into account its significance and the effect of a possible need to adjourn the hearing.



## When will my appeal be heard?

Appeals within the 'normal admissions round' - Reception children (starting primary school for the first time) and children transferring from primary to secondary school (Year 7 entry) - these will be heard within **40 school days\*** from the **Sefton deadline for lodging appeals**. Please see the Appeals Timetable on page 12 of this guide for further information.

For late appeal requests/late applications, appeals should be heard within **40 school days\*** from the Sefton deadline for lodging appeals where possible, or within **30 school days\*** of the individual appeal being lodged.

Applications for **In-Year admissions**, where an appeal is submitted during the academic year, appeals will be heard within **30 school days\*** of the appeal being lodged.

\*School days refers to Sefton's standard school term dates **therefore, appeals are NOT heard during school holidays.**

Any appeals submitted after the appropriate deadline **must** still be heard, in accordance with whatever timescale is set out in the timetable published by the Admission Authority.

You will normally receive at least 10 school days notice of the appeal hearing from the Clerk to the Independent Appeal Panel, unless you agree, in writing, to a shorter period of notice. Wherever possible, at least 7 working days before the hearing you will receive a written statement from the Admissions Authority detailing why it has not been possible to allow your child to attend your preferred school. This will form the basis of the case for the Authority. You will also receive information about what will happen on the day of the hearing. **At both stages information is sent via email from the Clerk.** Please ensure you have a working email address and also check your junk email. If you do not reply to email invitations, you will NOT be invited to speak at the hearing.

## Where are the appeals heard?

The Government have introduced flexibility on how Admission Authorities should manage appeals and have removed the requirement for appeal hearings to be held in person. Sefton Local Authority are currently facilitating appeal hearings via private telephone/video conferencing. If you would prefer to rely only on your written representations, there is no requirement for Appellants to present their case via telephone or video conference. It is not necessary for the child to speak at the appeal hearing.



## Can I attend the appeal hearing?

Parents are encouraged to participate in the appeal hearing wherever possible to present their case to the Panel and to clarify any points raised. If it is not possible for you to participate in the hearing, you may appoint a representative instead. The appeal can also be heard in absence and a decision will be reached on all of the written information available to the Panel.

## Who will be present at the appeal hearing?

The **Presenting Officer** for the Admissions Authority will present the case as to why your child has not been allocated a place at your preferred school.

**The Clerk to the Independent Appeal Panel** is present throughout the hearing to take notes and to give advice and guidance about the procedure and the law. The Clerk is not a member of the Appeal Panel and takes no part in the decision-making process but remains with the Appeal Panel whilst it makes its decision. Usually there will be 3 independent members on the Appeal Panel including:

- a chairperson
- at least 1 lay member. This means a person without personal experience in the management of any school or the provision of education in any school (unless that experience was gained as a school governor or in any other voluntary capacity)
- at least 1 member who has experience in education and is familiar with the educational conditions in Sefton or is the parent of a registered pupil at a school.

Appeal Panel members are trained volunteers who are completely independent of the Admissions Authority and the Local Authority.

## What happens at the appeal hearing?

Appeal Panels perform a judicial function, so they are part of the legal system. Although they follow a set procedure, they are relatively informal. The clerk, Presenting Officer & Appeal Panel will be visible to each other via video conferencing.

The Chairperson of the Appeal Panel will welcome you to the hearing and introduce the other members of the Appeal Panel plus the clerk and the Presenting Officer before explaining the procedure to be followed which is:

- The Presenting Officer will present the case for the Admissions Authority explaining why the Authority considers that your child's admission to the school would "prejudice the provision of efficient education or the efficient use of resources" or in the case of Infant Class Size



Appeals, that the admission of further children to the school would breach the Infant Class Size limit.

- You may question the presenting officer about any points raised or ask for clarification if there is anything which is unclear. The panel may question the Presenting Officer.
- You will be invited to present your case and explain the reasons why you wish your child to attend the school in question.
- The panel members and the Presenting Officer may ask you questions in relation to the reasons for wishing your child to be admitted to the school under consideration and about the information you have provided within your appeal.
- The Presenting Officer will be asked to sum up the Admission Authority's case.
- You ('the appellant') will be given the opportunity to sum up your case.
- The appellant & Presenting Officer withdraws from the hearing whilst the panel considers representations and evidence.
- If the Panel requires any further information, you will be contacted via a further telephone call.

No decision will be made there and then but usually by the end of the day at the conclusion of all appeals having been heard. In the case of multiple appeals in the same year group for the same school, that may be heard over a number of days, no final decisions will be made until **all** the appeals have been heard.

## **How do members of the Appeal Panel reach their decision?**

The Panel will give careful consideration to your appeal and unless your appeal involves Infant Class Size Legislation (see pages 3-4), the Panel will reach its decision by considering your appeal in two stages.

Firstly, at Stage I the panel will consider whether the admission arrangements are lawful, and whether they have been properly applied in individual or multiple cases. They would also consider whether the admission of additional children to the school would prejudice the provision of efficient education or the efficient use of resources at the school.

If the Panel considers that the admission arrangements did not comply with the law or had not been properly applied which has resulted in a child not receiving a place, or if it feels that the admission of a child would not cause prejudice to the school then a place would be granted.



If however the Panel is satisfied with Stage I they will move to Stage II, where it will balance the personal factors put forward by the appellant against the level of prejudice it feels a further admission would cause to the school.

If the panel feels that an appellant's personal circumstances outweigh the level of prejudice caused to the school, it would allow the appeal. If it does not, then the appeal would be refused.

If the Appeal Panel decides to allow an appeal, then the school must admit the child. If the Appeal Panel decides to refuse the appeal, then the parent should accept/seek a place for their child at an alternative school.

## When will I be informed of the Appeal Panel's decision?

The Clerk to the Independent Appeal Panel will send an outcome letter to the appellant within **five school days** of the hearing, wherever possible. This is usually sent via email. Where appeal hearings for a school have been held over several days, no decisions will be made until the final day. In such cases the decision letter will take a little longer to be sent to the appellant.

## What can I do if my appeal is refused?

The child will have to remain at the current school or attend the school at which a place has already been offered. You may select an alternative school for your child to attend if you wish to do so. The School Admissions Team will be able to help with this. The parent must ensure that attendance at the child's current school is maintained, or they attend the school offered to them.

A second appeal cannot be heard for the same school, for the same academic year, unless there has been a **significant and material change in the circumstances** of the parent, child or school. It is the decision of the individual Admission Authority to determine whether you may have a further appeal. An appeal for a place at the same school can be heard again in respect of a later academic year, if any further application is also unsuccessful.



# Waiting lists

Full information regarding your child's inclusion on a school(s) waiting list is available in the 'Admissions Guide for Parents' published on our website. This information is summarised below for reference:

- ALL waiting lists must (**by law**) be held in priority order, using the school's admissions criteria. A waiting list cannot be ordered based on the date an application was submitted. Waiting lists are subject to change at any time, as other children are added or removed or due to a change of circumstances. **Therefore, a child can move up or down on a waiting list.** If a place becomes available, it will be offered to the child who is highest on the waiting list at that time.
- The Governing Body of faith voluntary aided/academy schools may maintain a waiting list for their school. Further details are available from those individual schools.

**Secondary Admissions** (transferring from primary school to Year 7) - your child's name will automatically be placed on the waiting list for a Sefton school, **initially only until the deadline for submitting appeals.** For Sefton residents, the deadline will be included within the decision notification. Only those children for whom an appeal has been submitted, by the appeal deadline will remain on the waiting list. **If you do not submit an appeal, your child will not be included on the waiting list after the appeal deadline.** If you do submit an appeal which is not successful, the Local Authority keeps the waiting list until the end of the autumn term. If you wish for your child to remain on a waiting list after December, you will need to inform the In Year Admissions Team of this before the end of the autumn term.

**Primary Admissions** (entering Reception) - your child's name will automatically be placed on the waiting list for a Sefton school whether you submit an appeal or not. This is different than secondary schools as there are limited rights at appeal for parents of infant age children due to infant class size legislation. The Local Authority keeps the waiting list until the end of the autumn term. If you wish for your child to remain on a waiting list after December you will need to inform the In Year Admissions Team of this before the end of the autumn term.

**In Year Admissions** - once you have received the decision notification, you must reply to the local authority within 7 days to confirm that you wish for your child to remain on the waiting list(s) for your chosen school(s). If you do not reply, your child's name will be removed from the waiting list after 7 days. If you choose for your child to remain on a waiting list or submit an appeal which is not successful, the Local Authority keeps waiting lists **only until the end of the summer term in July.** If you wish for your child to remain on a waiting list for the following school year, please inform the In Year Admissions Team of this **before mid-August.** You may be required to submit a fresh application for the new school year. The In Year Admissions Team will let you know if this applies to you.



# What can I do if I am unhappy with the Appeal Panel's decision?

The Local Government Ombudsman can investigate complaints about maladministration on the part of an appeal panel for a maintained school\*. This is for all Sefton schools except Academy Schools.

A complaint to the Ombudsman is not a further appeal. It must relate to the administration of an appeal, rather than the appeal decision. Maladministration covers issues such as failure to follow correct procedures or failure to act independently and fairly. It does not cover the merits of decisions that only the panel has the authority to make. Therefore, generally, the Ombudsman cannot consider whether the appeal panel was correct to uphold or dismiss the appeal.

The Ombudsman is not able to overturn the appeal panel's decision however, where they find that there has been maladministration, they may make recommendations for a suitable remedy. For example, they may recommend that an appeal is reheard by a different panel and with a different clerk. Contact details for the Local Government Ombudsman can be found on page 11.

\*In respect of **Academy Schools**: a complaint should be made to the Education and Skills Funding Agency instead of the Local Government Ombudsman (see contact details on page 11).



# Contact Details

**Sefton School Admissions Team** [www.sefton.gov.uk/schooladmissionappeals](http://www.sefton.gov.uk/schooladmissionappeals)

Email: [admissions@sefton.gov.uk](mailto:admissions@sefton.gov.uk) OR for In Year Admissions email: [iyadmissions@sefton.gov.uk](mailto:iyadmissions@sefton.gov.uk)

Tel: 0151 934 3590\*.

School Appeals (after appeal submitted) [schoolappeals@sefton.gov.uk](mailto:schoolappeals@sefton.gov.uk) Tel: 0151 934 3487\*

Postal address: School Admissions Team, School Support Services, 3<sup>rd</sup> Floor Magdalen House, 30 Trinity Road, Bootle, Liverpool, L20 3NJ

\* Please use email wherever possible if you need to contact us.

## Clerk to the Independent Appeal Panel

Democratic Services Team, Town Hall, Oriel Road, Bootle, Liverpool, L20 7AE

Email: [olaf.hansen@sefton.gov.uk](mailto:olaf.hansen@sefton.gov.uk) Tel: 0151 934 2067

## Appeals for Catholic Schools - The Archdiocese of Liverpool

[www.liverpoolcatholic.org.uk/department/education/admissions-and-appeals](http://www.liverpoolcatholic.org.uk/department/education/admissions-and-appeals)

Email: [aes@rcaol.org.uk](mailto:aes@rcaol.org.uk) Tel: 0151 522 1071

Postal address: St Margaret Clitherow Centre, Liverpool Archdiocesan Office, Croxteth Drive, Liverpool, L17 1AA

**Appeals for Church of England Schools are to be sent to the Chair of Governors c/o the school** please refer to the table on page 2 for further information.

For information only: **Diocese of Liverpool** [www.liverpool.anglican.org](http://www.liverpool.anglican.org)

Postal address: St James' House, 20 St James Road, Liverpool, L1 7BY. Tel: 0151 709 9722

**Local Government Ombudsman** – P O. Box 4771, Coventry, CV4 0EH

[www.lgo.org.uk](http://www.lgo.org.uk) Tel: 0300 061 0614 - open Tues- Fri between 10am and 4pm.

**Admission Appeal Complaints for Academy Schools** – Education & Skills Funding Agency

[www.gov.uk/schools-admissions/complain-about-the-appeals-process](http://www.gov.uk/schools-admissions/complain-about-the-appeals-process)

If you need this leaflet in a different format or another language, please contact us

Please go to our website for further information about School Admissions.

**[www.sefton.gov.uk/schooladmissions](http://www.sefton.gov.uk/schooladmissions)**



# School Admission Appeals - Timetable 2023

For September 2023 entry into Primary Schools (Reception) and Secondary Schools (Year 7)

Appeals resulting from applications for the normal years of entry for Primary & Secondary schools for admission from September 2023, will be heard according to the timetable below:

|                  | National Offer Day | Appeals <u>must</u> be received by                               | Appeals to be heard by                                 |
|------------------|--------------------|--|--|
| <b>Secondary</b> | 1 March 2023       | 31 March 2023 <sup>(1)</sup><br>(22 school days* from offer day) | 19 June 2023<br>(40 school days* from appeal deadline) |
| <b>Primary</b>   | 17 April 2023      | 16 May 2023<br>(20 school days* from offer day)                  | 18 July 2023<br>(40 school days* from appeal deadline) |

<sup>(1)</sup> If you do not submit an appeal by the deadline your child's name will be removed from the secondary school waiting list(s) – see further information on page 9 of this guide.

\*School days refers to Sefton's standard school term dates. Please note that appeal hearings **DO NOT** take place during school holidays.

**Appeals lodged after these dates will be heard within 40 school days of the appeal deadline or within 30 school days of the appeal request being received, whichever is the LATER DATE.**

## In Year Appeals

Appeals resulting from In Year Admission applications will be heard on a date to be arranged within 30 school days\* of the appeal request being received by the Authority.

\*School days refers to Sefton's standard school term dates. Please note that appeal hearings **DO NOT** take place during school holidays.

## General Information

All appellants will be sent notification of the date and time of their appeal hearing no later than **10 school days** in advance of the hearing date.

All appellants will be sent a copy of the Authority's/School's case a reasonable time before the date of the hearing (usually 7 working days).

At both stages Information is sent via email from the Clerk to the Independent Appeal Panel. **Please ensure you have a working email address and also check your junk email. If you do not reply to email invitations, you will NOT be invited to speak at the hearing.**

<https://sefton.gov.uk.sharepoint.com/sites/ns-schools-regulations/Shared Documents/ADMISS/FORMS/Appeal Literature/Appeals Guide & timetable 2022-23.docx>

