



# RICHMOND INDEPENDENT APPEALS SERVICE

## SCHOOL ADMISSION APPEALS – GUIDANCE FOR PARENTS AND CARERS

**THESE NOTES HAVE BEEN UPDATED TO REFLECT LEGAL CHANGES TO SCHOOL ADMISSION APPEALS IN RESPONSE TO THE COVID-19 OUTBREAK**

### 1. WHAT IS THE RICHMOND INDEPENDENT APPEALS SERVICE?

The Richmond Independent Appeals Service is based in the Council's Chief Executive's Group and is independent from schools and the Admissions Team in Achieving for Children. Prior to the submission of your appeal form we have had no previous involvement in your case.

### 2. HOW WERE SCHOOL PLACES ALLOCATED?

If you are applying as part of the main admissions round for September entry to either Reception or Year 7, further information summarising how places were allocated for all secondary schools and the Borough's community primary schools is available at the links below. Further information about Reception admissions to faith schools may be obtained from the schools directly.

[Reception place allocation information \(Richmond\)](#)

[Year 7 place allocation information \(Richmond\)](#)

### 3. COMPLETING AND SUBMITTING THE APPEAL FORM

You may appeal for a place at any school you have applied to where your child has been refused a place; for schools which are part of the Richmond Independent Appeals Service you can do this [using the online appeal form](#) which is available from the Richmond Council website. Paper copies of the form are available on request.

You cannot appeal for a place at a school you have not applied for. If you wish to appeal for a place at a school which does not use the Independent Appeals Service please contact the school directly.

Your reasons for appealing - Please explain your reasons as fully as possible, as the Appeals Panel will read this in advance of the hearing. If you prefer, you may prepare your reasons in a separate document which you can upload as an attachment to your appeal form. Where relevant, you are encouraged to provide professional supporting evidence with this form (e.g. a doctor's letter, social worker letter, etc.).

Any supporting information that is submitted separately from the original appeal form should be clearly labelled with your child's name and school being appealed for and supplied to the Independent Appeals Service by no later than **five working days** before the appeal hearing. It is vitally important if you are to put forward your best possible appeal case that you supply your supporting information on time. **Any information submitted after the deadline might not be considered at the appeal.**

Supporting documentation can be uploaded or emailed to us. Please ensure that any documentation which is uploaded or emailed is provided in PDF or JPEG form. Please **do not** supply links to web



pages, if you do, we will contact you and ask you to provide us with the information in the required format. Please do not post any documents to us unless you have discussed this first with the Appeals Service. Our offices are not routinely staffed, and special arrangements will need to be made to collect any post.

The Appeal Panel must make their decision based on the evidence they have been given - they will not contact social workers, doctors, etc. on your behalf. Consequently, **it is your responsibility to ensure all information relevant to your case is put before the Appeal Panel.**

If you move after having completed the appeal form you must notify the Independent Appeals Service immediately of your change of address - any delay in you receiving paperwork relating to your appeal may result in you missing your hearing.

#### **4. ADDITIONAL NEEDS**

**You should** indicate on the appeal form if you have any additional needs which we need to make arrangements for so that you can participate in the appeals process and the hearing e.g.: disability requirements, interpreters, etc.

#### **5. HOW WILL MY APPEAL BE HEARD?**

We intend to use video conferencing technology to conduct the appeal hearings. If you feel that you would find difficulties with using this technology please contact the Appeals Service as soon as possible to discuss alternative options for hearing your appeal.

We will provide further details on the arrangements for hearing your appeal when the deadline for appealing has passed.

#### **6. WHAT HAPPENS BEFORE THE HEARING?**

14 days' notice of the hearing date will be given, unless you have waived your right to this notice period, **we will** give you details of the time and date for your hearing, the name of the clerk and the Appeal Panel Members who will hear your appeal.

If there is more than one appeal for the school you are appealing for, you will receive two time slots for your hearing. The first timeslot will be for you to hear and question the admission authority representative's general case regarding admissions and why they feel they cannot take extra pupils. The second time slot will be for the admission authority representative to give the admissions details specific to your child and for you to you make your case.

If you are the only appellant for the school, you will receive one timeslot for your appeal where the complete case for the admission authority and you will be heard.

**You should** contact the Richmond Independent Appeals Service as soon as possible if you are not available on the date or time fixed for your appeal.

**We will** send you a set of case papers before the hearing. These will include your completed appeal form and any other information you choose to submit and the admissions authority's written statement, including information on admissions to the school. Please check these papers carefully to ensure that all the documents you have submitted in support of your appeal have been included. You must advise us as soon as possible if there is anything missing. **You must have these case papers with you**



**during the hearing as the panel and the admission authority representative may ask you to refer to these and/or ask you or the admission authority specific questions about the information submitted.**

Before the virtual hearing if you are unfamiliar with video conferencing you should take the opportunity to 'test' the virtual meeting environment. We are happy to arrange a test session with you if you wish. You should also think about the presentation of your case and make a note of any questions you may wish to ask the admission authority.

## **7. WHO IS AT THE HEARING?**

- You, if you choose to attend.
- If attending with you, your partner, relative, friend, supporter or adviser.
- The Appeal Panel which consists of three trained members.
- The clerk to the Appeal Panel who is appointed to take notes and advise the panel on issues of procedure and law. The clerk takes no part in the decision.
- A second clerk whose role will be to provide technical support for the virtual hearing.
- A representative of the admission authority and possibly a witness.
- Sometimes there is also an observer, someone who is training to be or monitoring the performance of clerks or Appeal Panel Members.
- Occasionally a separate legal adviser will be appointed in addition to the clerk.

None of the Appeal Panel will have a connection with you or the school concerned.

If you wish for anyone to accompany you at the 'virtual' hearing, you will need to provide us with their name, email address and the capacity in which they will be attending (e.g. social worker, legal advisor) in advance. Only registered attendees will be admitted into the 'virtual' hearing room.

The representative from the admission authority in the case of voluntary aided (faith schools) and Academies will be from the school e.g. a senior member of staff, such as the Headteacher, Deputy or Assistant Headteacher, the school admissions officer or a governor, etc. In the case of community schools an officer from Achieving for Children will attend.

When attending your virtual hearing, think carefully about the surrounding environment in advance. Please try and minimise distractions around you so that you may hear what is being said. It is up to you whether to you allow your child to be part of the hearing. However, we normally advise against this as it may be uncomfortable for the child if they are the subject of the appeal and, in the case of other children, they might distract you and others from proceedings. In order to ensure confidentiality, Alexa, Google Echo or similar devices should be disabled during the appeal hearing.



## 8. HOW LONG DOES THE HEARING TAKE?

We estimate that with grouped hearings the first stage of the hearing will take up to an hour and the second stage around 40 minutes. If your appeal is the only appeal for the school the hearing will be heard in one session, usually taking up to an hour. We aim to stick to these timings as much as possible, but it is possible proceedings could over-run. We will endeavour to keep you informed if this is the case.

## 9. THE ORDER OF HEARING

The order of the hearing will be as follows:

- a) The Chair will explain the procedure and make introductions.
- b) The admissions authority's representative will then present their case to the Appeal Panel. They should explain their admissions arrangements, how the places were allocated and why there would be prejudice to efficient education and the efficient use of resources were any additional pupils to be admitted to the school.
- c) You can ask the representative(s) any questions you have about the admission authority's case and the Appeal Panel may also ask the admission authority some questions.
- d) If there are other appellants for the school, you will then be seen separately at your allotted time for this second part of the hearing, where the admission authority will begin by explaining how specifically the admissions arrangements applied to your child before the panel hear from you about your reasons for wanting your child to go to the school.

### OR

If you are the only appellant for the school you will immediately proceed to the stage where you will then be asked to explain to the Appeal Panel why you want your child to go to the particular school you are appealing for.

Even if you have given a full written set of reasons, it helps if you briefly go through the main points again (you may find you think of other details to tell the Appeal Panel). Remember, this is your only opportunity to explain your case: tell them anything you think may be relevant, no matter how unimportant it may seem to you.

- e) The representative of the admissions authority and the Appeal Panel may ask you any questions.
- f) The admission authority representative will have the opportunity to summarise their case.
- g) You will have the opportunity before the end of the hearing to summarise your case.

Before the hearing concludes **please ensure you have said everything you want to say, and alert the appeal panel if you have had any difficulties with hearing proceedings. You will not be able to add to your appeal once the hearing ends.**



## 10. HOW DOES THE APPEAL PANEL REACH THEIR DECISION?

Please note that there are two different types of admission appeals “Two-stage” appeals and “Infant class size” appeals. Please read the notes below very carefully so that you are clear about which type of appeal relates to your child.

### a) “Two-stage” appeals

**(Two-stage appeals include ALL appeals for Year 3 upwards and some appeals for Reception, Years 1 & 2)**

The Appeal Panel must follow a two-stage decision making process.

#### *Stage 1 – Examining the decision to refuse admission*

- i) The Appeal Panel must consider whether the published admission arrangements comply with the mandatory provisions of the [School Admissions Code](#) and the [School Standards and Framework Act 1998](#). If the arrangements did not comply, the Appeal Panel must determine whether your child would have been offered a place if the contravention had not occurred. If your child would have been offered a place, the Appeal Panel must uphold the appeal at this stage unless a significant number of children are affected and admitting all the pupils would cause serious prejudice to the school.
- ii) The Appeal Panel must decide whether the school’s published admission arrangements were correctly and impartially applied in your case and, if not, whether your child would have been offered a place if they had been properly implemented. If your child should have been offered a place, the Appeal Panel must uphold the appeal at this stage unless a significant number of children are affected and admitting all the pupils would cause serious prejudice to the school.
- iii) The Appeal Panel must decide whether “prejudice” (a detriment) to efficient education and the efficient use of resources would arise if any additional children were to be admitted to the school.

In considering prejudice the Appeal Panel may consider the following:

- The effect of an additional admission in the current and following academic years;
- The impact on the organisation and size of classes;
- The availability of teaching staff;
- The effect on children already in the school; and
- The current physical accommodation of the school.

If the admissions authority fails to satisfy the Appeal Panel that there would be prejudice if your child were admitted, the Appeal Panel must allow the appeal.

Where the admission authority is able to satisfy the Appeal Panel that there would be prejudice, the Appeal Panel must go on to stage two.

#### *Stage 2 – Balancing the arguments*

The Appeal Panel must balance the prejudice to the school against your case for your child being admitted to the school.



They will take into account your written representations and all you tell them at the hearing. If you have provided any supporting information in advance of the hearing this will also be considered. They must decide whether your grounds for your child to be admitted to the school outweigh any prejudice to the school. The Appeal Panel will take into account your reasons for wanting your child to go to the school (e.g. why you want this school in particular and what it can offer your child that other schools cannot).

If the Appeal Panel find your reasons outweigh the degree of prejudice to the school, then your appeal will be allowed. If not, it will be dismissed.

## **b) “Infant class size” appeals**

**(Includes almost all appeals for Reception, Years 1 & 2).**

Where a school organises its Reception, Year 1 or Year 2 class(es) into groups of 30 with one qualified teacher your appeal will be considered on “infant class size” grounds.

The grounds under which infant class size appeals can be considered are very limited, and the chances of success at appeal are minimal. **In the 2018-19 academic year there were no successful infant class size appeals. In 2019-20 there was one successful infant class size appeal.**

Under Infant Class Size law an Appeal Panel can only review the decision of the admission authority to refuse admission. In doing so, **the Appeal Panel takes account of the material that was available to the admission authority at the time it made the decision to refuse a place** e.g. any medical or social evidence, reasons given for requesting a place or supplementary form you submitted as part of your application, etc.

The Panel must consider the following issues:

- i) Whether the admission of an additional child(ren) would breach the infant class size limit (maximum of 30 pupils in a class).
- ii) Whether the published admission arrangements comply with the mandatory provisions of the [School Admissions Code](#) and the [School Standards and Framework Act 1998](#). If the arrangements did not comply, the Panel would have to determine if your child was denied a place as a result of this error.
- iii) Whether the school’s admission arrangements were correctly and impartially applied in your case. To be successful at this stage of appeal it is not enough to simply identify an error in applying the admissions arrangements, the Panel will need to establish whether your child was denied a place as a result of that error.
- iv) Whether the decision of the admission authority to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

The Appeal Panel can consider fresh material if this supports your case that an error has been made by the admission authority or they failed to act reasonably when the decision was taken to refuse a place.

Please note that the threshold for finding an admission authority’s decision to refuse a place was not one a reasonable admission authority would make is high. The [School Admission Appeals Code](#) requires that in order for the Appeal Panel to determine that an admission authority’s decision to refuse



admission was unreasonable, it will need to be satisfied that the decision to refuse to admit your child was “perverse in the light of the admission arrangements”, i.e. it was “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”.

### 11. HOW WILL I KNOW THE APPEAL PANEL’S DECISION?

You will be sent a letter setting out the Panel’s decision and explaining the reasons for it. The letters are usually posted within seven days of the decision - the clerk will advise you of the likely timescale at the hearing.

### 12. WILL I BE SUCCESSFUL IN MY APPEAL?

Parents often ask the Independent Appeals Service whether their appeal is likely to be successful. The Independent Appeals Service is unable to comment on the likelihood of success in specific cases.

However, set out below are the figures for the number of successful appeals in the last couple of years:

Type of appeal	2018-2019		2019-2020	
	Total no. appeals heard	Successful appeals	Total no. appeals heard	Successful appeals
<b>Two stage appeals</b>	71	18	30	6
<b>Infant class size appeals</b>	13	0	13	1

*Data for appeals lodged between 1 September and 31 August each year.*

Please note that the numbers of successful appeals can vary from year to year. The above statistics also include appeals which the Richmond Independent Appeals Service handles for schools in neighbouring boroughs.

### 13. WHAT HAPPENS AFTER THE APPEAL?

If your appeal is successful you will have a place at the school for your child.

If your appeal is unsuccessful you do not have a further right of appeal for the same school in the same academic year.

If you feel that the appeals procedure was not properly followed by the Appeal Panel, or you consider the decision was unreasonable in law, you may wish to consider one of the following: a complaint to the Local Government Ombudsman; or a Judicial Review of the Appeal Panel’s decision. In the case of an Academy, complaints should not be made to the Local Government Ombudsman but to the Education and Skills Funding Agency.

Please note that the Education and Skills Funding Agency and the Ombudsman cannot overturn the decision of an Appeal Panel. If the Education Skills Funding Agency or Ombudsman finds the Appeal Panel breached the [School Admissions Appeals Code](#) they may ask for a fresh appeal to be held with a different Appeal Panel.



More information on the role of the [Local Government Ombudsman](#) and the [Education and Skills Funding Agency](#) can be found on their websites.

#### 14. WITHDRAWING APPEALS

**You should** notify the Richmond Independent Appeals Service if you wish to withdraw your appeal. You may decide not to proceed with your appeal for a range of reasons, including because you have been offered a place at the school in question or another school you are happy with. If you wish to withdraw your appeal, please email the Appeals Service with the following:

- The name of the school you are appealing for
- Your child's name
- Your child's date of birth

The cost of admission appeals for Academies and voluntary aided (faith) schools are borne directly by the individual school you are appealing for. The timely withdrawal of any appeal will help minimise the costs incurred by the school.

#### 15. CONTACT DETAILS

If you have any questions about the appeals procedure contact the Appeals Service by calling 020 8891 7183 or email: [education.appeals@richmondandwandsworth.gov.uk](mailto:education.appeals@richmondandwandsworth.gov.uk)

#### 16. FURTHER SOURCES OF INFORMATION

To apply for a school place or to enquire about Richmond waiting lists or schools with vacancies please contact School Admissions on 020 8547 5569 or [richmond.admissions@achievingforchildren.org.uk](mailto:richmond.admissions@achievingforchildren.org.uk)

To apply for a school place or to enquire about Kingston waiting lists or schools with vacancies please contact School Admissions on 020 8547 4610 or [kingston.admissions@achievingforchildren.org.uk](mailto:kingston.admissions@achievingforchildren.org.uk)

The Coram Children's Legal Centre offers free legal advice on education law including advice on school admission appeals and exclusions. [Coram](#) provides online access to legal factsheets and a telephone advice service on 0300 330 5485 (8am to 6pm Monday to Friday).

The Advisory Centre for Education (ACE) is an independent advice centre for parents, offering information about state education in England and Wales for 5-16 year olds. ACE offers advice on many topics like school admission appeals. You can download their booklet "Appealing for a School" from their website - [www.ace-ed.org.uk](http://www.ace-ed.org.uk). They also have an advice line on 0300 0115 142 (Monday to Wednesday 10am to 1pm (term time only)).

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