



East Herrington Primary Academy Appeals Process

At East Herrington Primary Academy we wish to be fair, reasonable and transparent about any decisions we take concerning admissions.

The process below explains the appeal process if you are unhappy about the Governors' decision regarding the application for a place for your child into our Academy.

Please note that this does not apply to children with a Statement of SEN. Appeals for these children are dealt with by the SEN and Disability Tribunal.

If my child is not offered a place at the Academy, can I appeal?

Yes – If your child is not offered a place at our Academy, you have the right to appeal against this decision to an independent appeal panel. **The appeals hearing will consider whether the school has correctly followed its published admissions procedures when making a decision regarding the admission of your child into school.**

How do I do this?

If it has not been possible to offer a place within our Academy, information would have been included with your letter from the School Admissions Team or from the school for in year applications, which would direct you to telephone the Academy office for further information. If you wish to appeal against this decision you would need to request a form from the Academy School Office. You will then need to complete the form, outlining your reasons, and return it to the person indicated on the Appeals Form. In our Academy this is the Clerk to the School Admissions Panel of the City Council, who is administering the appeals on our behalf.

What happens next?

Appeal hearings are usually held between June and July but may still be held up to and during the summer holidays. You should complete and return your appeal form as soon as possible, so that an appeal hearing can be arranged.

You will be notified of the date of the appeal hearing at least 2 weeks prior to that date. A week before the hearing is due to take place, you will receive a copy of the Academy's statement of case. This will explain why it was not possible to offer your child a place at the school and the implications of more children admitted above the admissions number.

What happens at the appeal hearing?

The appeal hearings for our school will be held at the Civic Centre and you will be invited to attend. Although there is a process to follow for the appeal hearing, the panel members do try to keep the meeting as informal as possible. It is possible to bring along a friend to support you.

The panel members are volunteers and are completely independent of our Academy.

As the decision that is made by the panel members is final, it is very important that you take this opportunity to put forward your reasons for wanting a place in this Academy.

The panel will consider the Academy's case against your reasons and make a decision. You will be notified of the panel's decision in writing within five working days of the hearing via the Local Authority who is acting on our behalf.

My appeal will be considered under the ‘class-size regulation’, what does that mean?

If you have been refused a place at a school, it will be explained in the refusal letter and the statement of case for the appeal, if it will be considered as a ‘class-size’ appeal.

This means that the appeals panel must consider the implication of admitting another child to a class that already has 30 pupils in Reception, Y1 or Y2. There are only certain circumstances in which an appeal panel can uphold (agree) a ‘class-size’ appeal. They are as follows:

- i) The admission of additional children would not breach the infant class size; or
- ii) The admission arrangements did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
- iii) The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

If an appeal was upheld (agreed), the school would need to take ‘qualifying measures’. This could mean either employing another teacher and/or possibly moving to mixed-aged classes.

What if my appeal is successful?

If your appeal is upheld (successful) then you have secured a place in the Academy for your child. Your child’s details will be forwarded to the Academy and they will be included in any induction visits, etc.

If you have accepted a place at any other school (e.g. second or third preference school), then the offer of a place at that school will be cancelled and your child’s name will be added to the Academy’s list.

What happens if my appeal is unsuccessful?

If your appeal is dismissed (unsuccessful), the decision is final. Your child will remain on the waiting list in case any vacancies arise.

It is only possible to have one appeal for the same Academy within the same year group, unless there is a significant change in circumstances.

The Schools Admissions Team will continue to encourage you to consider other schools/Academies for your child, whilst still remaining on the waiting list for our Academy.

What can I do if I’m unhappy about the panel’s decision?

There is no further appeal. The letter that you receive explaining the decision of the Appeal Panel will inform you about the limited options that are available.

There is no right of appeal to the Secretary of State for Education. The Secretary of State cannot review or overturn decisions of appeals panels but has a limited power to intervene in very exceptional circumstances.

The Local Government Ombudsman is not able to overturn an appeal panel’s decision but can investigate written complaints about maladministration on the part of an admission appeals panel. This is not a right of appeal and must relate to issues such as a failure to follow correct procedures or a failure to act independently, rather than complaints where you simply feel that the wrong decision has been made.