

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 common application form. In most cases this will be because the school is full and there were other children who more closely met the school's oversubscription criteria.

How will my appeal be considered?

Due to the exceptional circumstances regarding the Covid 19 pandemic, the Independent Appeals Panel intends that your appeal will be conducted based on written submissions only. This decision has been made to ensure that all appeals for the school can be heard in a fair and consistent way, considering any National/regional lockdowns/restrictions, and that the appeals process will finish before the start of the usual summer break.

Therefore, your appeal will be considered using the written submission(s) you have made, and you will not be required to attend a meeting. 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.

To assist with your case, the schools generic defence statement is available on their website setting out the implications of awarding additional spaces through the appeals process.

If you have an equality consideration that prevents you from providing a written statement and you do not have reasonable support to do so, you are to make the school aware at your earliest convenience. Although the Panel would have a duty to consider your reasons, there would need to be clear grounds for them to identify an alternative format for your appeal to be heard.

When will my appeal be considered?

For your appeal to be considered by the 16th June 2022, you must submit your appeal between; 1st March until the 28th March 2022. For any appeals received after this time will be considered when reasonably possible.

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?

Your appeal must be made in writing/email and the form and address details are available on the school's website.

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. You can do this by looking at the school's generic defence on the school's website.

What information does this school give to the Panel?

Here are some key questions and answers that the Panel would normally ask the school in relation to the school case. This information is given to the Panel. For further information please refer to the school's generic defence statement.

- How many appeals have been successful in previous years and did this result in the school having to exceed its Published Admissions Number?

September 2022 – 2 Appeals were heard – 2 were upheld.

- How do the school organise the classes?

*From September 2021 –
Year 7 = 6 form entry plus SRP
Year 8 = 6 form entry plus SRP
Year 9 = 7 form entry plus SRP
Year 10 – 11 = 8 form entry plus SRP*

- How many additional students can be accommodated in each class without impacting the level of education received?

Because pupils from the Specialist Resource Provision are taught alongside their mainstream peers, the average class size in the school needs to be 22 in order to adequately cater for their needs. Increasing class sizes further would have a detrimental impact on the education of these pupils in particular but would also affect the learning of other pupils. The school cannot simply put on additional classes in order to adjust the class size as it has insufficient classrooms. Nor can it plan to build additional classrooms in the future as it is a Private Finance Initiative (PFI) school.

- Are there any plans for the school to expand their facilities?

Not at this time.

- How do you measure the home/school distance and how do you ensure it is correct?

Students address and postcodes are sent to KCC who check and provide the distance to ensure accuracy and consistency.

- If the Panel decided that the school could admit additional pupils, what would be the impact on the school, in particular in relation to Health and Safety issues?

Over capacity causes an issue with building use which is restricted by the PFI contract. The Malling School does not have the ability to amend or construct due to these restrictions. We have two DT classrooms which provide a maximum usage of 22 students per lesson and we run maximum

numbers of rotations to provide our statutory responsibility within the curriculum. The PFI contract does not allow for over-capacity in these rooms due to health & safety and keeping the students safe. The only solution is to reduce the access to DT for some students which would be discriminatory.

There is also a capacity issue with sports changing rooms, dining areas and hall space. PE classes in the lower years suffer with a lack of changing room facilities which again, because of the PFI element are a personal safety and wellbeing issue for these students.

Allowing more pupils than the net capacity of the school would cause danger to pupils should an emergency evacuation be required. Fire Marshals have previously expressed concern about the ability to evacuate when there were fewer pupils in the school and they would almost certainly not accept the risk associated with going above the net capacity.

- What strategies are you able to put in place to ease the problem?

The school already faces the prospect of having to significantly increase class sizes over the next few years because of the limited number of classrooms and even with this adjustment is already fearful that it will run out of classroom space. It would therefore be irresponsible to admit further children to make this problem worse. If additional pupils are agreed at appeal it is likely that the school will have to reduce its PAN in the future. This would be inefficient use of resources and would also provide additional pressure on a school system that already needs additional secondary school places in the future.

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. As your appeal will be conducted as a paper based exercise only and there will be no further opportunity for the Panel to ask you any individual questions in relation to your case.

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.

You may wish to incorporate answers to some of the following questions that Panel Members would usually ask when relevant. Remember, there will be no further opportunity for the Panel to ask you any individual questions in relation to your case.

- 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 he/she 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.

Where do I send my appeal?

You must submit your appeal directly to the school in the first instance either by email or post. Your appeal form **must not** be sent to your Local Authority.

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 no further addition information can be received 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?

Firstly, the Panel must decide if the school's admission arrangements were correctly and impartially applied in the child's case and decides whether "prejudice" would arise were the child to be admitted.

For the second stage the Panel will consider and balance the prejudice to both the school and the appellant, based upon the school's defence statement.

Decision Making

The Panel will then discuss and make a decision to either uphold or dismiss your appeal. They 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 7 calendar days to notify you of the Panel's decision. If the Panel is hearing a large number of appeals, this will be 7 calendar days 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.

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.