



A parent's guide to school admission appeals



Please read this guide before completing your appeal request form



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Special requirements

Let the Appeals Team know as soon as possible if you have any special requirements for your school admission appeal, for example, you need:

- a translator; let us know which language
- information in large print or another format
- a British Sign Language interpreter

Contact: educationappealsadmin@wiltshire.gov.uk

Your rights

You have the right to appeal for places at all schools for which you have applied and been refused a place. This right of appeal does not apply if your child has been permanently excluded from two schools. If your child has an Education Health Care Plan (EHCP) a different process to that found here will be followed, please go to www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability for more information.

You can only appeal once in every academic year unless there has been a significant change in your circumstances. If this is the case, you need to reapply for a place at the school and be refused before you can appeal. You can only appeal for the year group for which you have been refused.

Accepting a place at an alternative school will not in any way affect an appeal for your chosen school.

This guide covers the arrangements for parents who want to appeal against admission decisions for schools in Wiltshire.

The appeal arrangements in this guide have been made according to the provisions of the [School Standards and Framework Act 1998](#) and the [School Admissions Appeals Code](#) which was issued to offer advice and guidance on appeal procedures and arrangements.

Where to send your appeal form

Email a completed copy of your form to the email address below. Please complete the form electronically or take clear pictures of your handwritten form and attach these to an email to us. If you have any issues regarding this, please telephone the number below.



01225 718259



educationappealsadmin@wiltshire.gov.uk



Types of appeal

On-time main round appeals

These are where your child is entering:

- Reception year in primary school
- Year 7 in secondary school
- Year 12 in college or sixth form

and where we have received your appeal form on or prior to the **published closing date**.

Late main round appeals

These are where your child is entering:

- Reception year in primary school
- Year 7 in secondary school
- Year 12 in college or sixth form

and where we have received your appeal form after the **published closing date**.

In year transfer appeals

These are where you wish your child to move schools during other times in the academic year, i.e. because the family has moved house. These appeals have no published closing date and are heard throughout the year.

Infant class size appeals

This type of appeal can only apply to applications for reception, Year 1 and Year 2 (key stage 1), i.e. any class in which the majority of children reach the age of 5, 6 or 7 during the school year. Legally such classes cannot have more than 30 pupils with a single qualified teacher. Not all appeals involving these year groups are covered by infant class size restrictions.

Please note that there are very limited chances of success for Infant class size appeals. When considering an appeal for a place in an infant class, the panel's task is **to review the decision already made. It does not have the flexibility to say that the appellants personal circumstances mean that they should have a place at the school, if this would take the number of children in the class over 30.** This makes an infant class size appeal different to other school admissions appeals.

The panel can only offer a place where it is satisfied that:

- a) The admission of additional children would not breach the infant class size legislation;
- or
- b) 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 been complied with or had been correctly and impartially applied; or
- c) The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

In order to determine whether it was “unreasonable” to refuse admission to your child, the panel must be satisfied that the decision was **“perverse in the light of the admission arrangements”**.



For example – 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 that no sensible person who had applied his mind to the question could have arrived at it”.

The Local Government Ombudsman fact sheet on Complaints about Infant Class Sizes does state that “A decision that makes it impossible for you to transport all your family to school on time, or even impossible for you to continue working, is very unlikely to be perverse. The courts have established this.”

Voluntary controlled or community schools

Wiltshire Council is the Admissions Authority and administers appeals for these types of schools, so please complete one of the attached appeals forms.

Voluntary aided, foundation schools or academies

If you have been unsuccessful in securing a place at a voluntary aided; foundation school or academy you must contact the school directly as they are responsible for administering their own appeal arrangements.

Some schools may require you to make an appeal within a strict timescale, so it is important that you contact them as soon as possible.

These types of school also run their own waiting lists so you must contact the school directly for information on their waiting list policy.

Sometimes these types of schools make arrangements with Wiltshire Council to run the appeals service for them, however, check with the school first before completing the attached appeal form.

Important deadlines

The usual deadlines for hearing appeals are below, however please note that during the COVID-19 pandemic, dates may vary:

- For applications made in the normal main admissions round, appeals must be heard within 40 school days of the deadline for lodging appeals;
- For late applications, appeals should be heard within 40 school days from the deadline for lodging appeals where possible, or within 30 school days of the appeal being lodged;
- for applications to sixth forms:
 - where the offer of a place would have been conditional upon exam results, appeals must be heard within 30 school days of confirmation of those results;
 - where the offer of a place would not have been conditional upon exam results, appeals must be heard within 40 school days of the deadline for lodging appeals;

- For applications for in-year admissions, appeals must be heard within 30 school days of the appeal being lodged.

Please be advised we only hold appeals during term time.

Completing the appeal form

If you are appealing for a place at more than one school, you must complete separate forms.

Please take the following information into account when you fill in the form:

- **If your appeal is an infant class size appeal, please complete and return the Infant Class Size Appeal Form. Infant class size appeals apply to appeals for entry into year R, year 1 or year 2 where the class size is 30 or more. See the [infant class size section on page 4](#).**
- **For all other appeals please complete the School Admission Appeal Form.**
- Please complete the form clearly and ensure that you provide all the information requested. If you don't this may result in a delay in processing your application.
- Your "reasons for appeal" are very important as this helps the panel understand your child's case. **This section must be completed. If not, the form will be returned to you.** Please explain, as fully as you can, why you want your child to attend the school that you have been refused. If you think your application for a place at the school has not been treated correctly or in accordance with the admissions criteria, then you should explain why.
- If there are medical issues involved, it is important that these are supported by written evidence, i.e. doctor's letter.
- If your case is based on a house move, you should provide written evidence to confirm this. For example, a letter from your solicitor or a copy of your tenancy agreement.
- You may also include other relevant letters, correspondence, reports or documents to support your case.
- You don't need to wait until you have all supporting evidence before you send your form to us as this may delay the processing of your appeal. Send supporting evidence to the appeals team **as soon as possible** if you can't attach them to your appeal form. At the very latest all information needs to be with the appeals team at least 2 working days before the appeal hearing or this will cause a delay. The appeal panel can refuse to admit late evidence and can delay the hearing while they consider this.
- If, for any reason, you cannot attend the appeal hearing the panel will make a decision based upon what you have sent in. During Coronavirus (COVID-19), if you are unable to attend your hearing, we do have the option of hearing your appeal on the basis of written submissions which involves circulation of written questions and answers. **Please let us know as soon as possible if you are unable to attend your appeal hearing.**
- Please make sure you sign and date your form. (If you are completing the form electronically a typed signature is acceptable).



What happens next?

- When your completed form is received an acknowledgement letter will be sent to you by email.
- The admission authority is informed that your appeal application has been received and appeal hearing dates are agreed.
- If there is more than one appeal for the school in question, all appeals will be heard at the same appeal hearing if possible.
- Once a date is agreed an independent appeals panel will be organised, together with a clerk. All appeals are currently being held remotely on Microsoft Teams due to Coronavirus (COVID-19).
- You will receive a letter by email at least 10 school days (currently 14 calendar days, due to Coronavirus guidelines) before the hearing advising of the date and time of your appeal hearing. Given the number of appeals received and other factors it may not always be possible to take into consideration any dates which you have indicated as inconvenient. The letter will give you a deadline by which additional supporting evidence can be accepted. The deadline is necessary because paperwork has to be sent to all parties within a statutory timeframe.
- You will receive a pack of information approximately seven calendar days before the hearing date. The pack will include all the paperwork necessary for the hearing to take place. It will include a list of the panel members, clerk and presenting officer from the admission authority; the admission authority's case and your appeal form along with any additional supporting evidence you have provided. If you know any of the panel members listed where there may be a conflict of interest, please contact the democratic services office at Wiltshire Council immediately to discuss. You will also be emailed information on the hearing process that is followed and guidance on how to join the meeting using Microsoft Teams.
- If you have indicated on your form that you will be attending the appeal hearing and you subsequently find that you are unable to, **please let us know as soon as possible. If you fail to attend when you have indicated you will and we have not heard from you, the panel can decide to consider your written case in your absence.**
- If you have indicated on your form you will not be attending the appeal hearing and you subsequently find that you can, please let us know as soon as possible so we hear your appeal at the scheduled time.
- If you have agreed to waive your rights to 14 calendar days' notice of your appeal hearing date, it may be possible to hear your appeal earlier. This is because timetables are constantly being amended due to appeals being withdrawn or settled and it may be possible to add other cases to a timetable.



Who will be at the appeal hearing?

- You and anybody else you have told us you wish to bring along for support.
- If you cannot attend, your representative- if you have said you will send one in your place.
- Three independent panel members.
- The clerk.
- An officer from the admission authority and possibly a representative from the school in question.
- Sometimes there may be an observer at the hearing. This may be someone who is training to be a clerk or a panel member. They will take no part in the hearing or decision making.
- We do not recommend the child you are appealing for being present at the appeal hearing.

Who are the independent appeal panel members?

The appeal panel is independent of the admission authority. This means they don't have anything to do with Wiltshire Council. The panel members are unpaid volunteers who have received training on admission appeals. There are 3 panel members that include:

- at least one person who has no personal experience in the management of any school, or in providing education in any school (other than as a school governor or any other voluntary role); they are called a 'lay member'
- at least one person with experience in education who is familiar with educational conditions in Wiltshire or is the parent of a pupil registered at a school; they are called the 'non-lay member'.

A member can't hear your appeal if he/she:

- knows you directly
- is a governor of your preferred school
- has had any previous involvement in your case

Members of Wiltshire Council aren't eligible to sit as appeal panel members.



What happens at the appeals hearing?

- The Chair of the Appeal Panel will welcome everybody to the appeal hearing and introductions will be made;
- The Admission Authority representative will explain the reasons why your child has not been offered a place at the school you applied for. You and the members of the Appeal Panel will be able to ask questions on what has been said by the Admission Authority representative;
- Occasionally, if there are a large number of appeals for the same school, the case made by the Admission Authority (stage 1) may be heard on a group basis with all the parents present at the same time. Where this happens, the remaining stages take place at separate hearings for each individual appeal as with all other appeals to preserve the confidentiality of each individual parental case.
- You will then be given the opportunity to present your case in support of your appeal (stage 2). The Appeal Panel will already have all the written information that you have submitted.
- The members of the Appeal Panel and the school's representative will then be able to ask you questions if they need clarification on any points;
- There will then be a summing up stage, where initially the Admission Authority representative will be given the opportunity to sum up their main points and you will then have an opportunity to sum up your main points;
- The Chair of the Appeal Panel will then ask you and the school's representative to leave the appeal hearing. The Clerk to the Appeal Panel will remain with the Appeal Panel to record its decision and the reasons for making that decision but the Clerk will not play any part in making the decision.

The decision

The usual process for determining the outcome of an appeal is for the Panel to undertake two stages. The first is to examine the decision to refuse admission. If the panel finds that the decision to refuse admission was reasonable as the admission of an additional child would prejudice the provision of efficient education or the efficient use of resources, they then go on to the second stage which is to balance the arguments. During this the Appeal Panel must balance the prejudice to the school against your case for the child to be admitted to the school.

The Panel has a different process to follow when determining the outcome of an appeal which is an infant class size appeal and these appeals are much harder to win. Please see the [infant class size section on page 4](#) for further details.

The clerk will usually call you to advise of the decision made by the panel the same day or at the latest the morning after the appeal. You will also be sent the decision of the appeal panel in writing, usually within 7 calendar days of the appeal.

Waiting lists

This guidance applies to community and voluntary controlled schools in Wiltshire. Academies, voluntary aided and foundation schools have their own waiting list arrangements.

Whenever a child is refused admission to a school his or her name is automatically added to a waiting list. This means that, for any year group of a school that is oversubscribed, there will be a waiting list.

Where the application was made for admission in the school year 2021–2022 waiting lists will close on Monday 25 July 2022. If any parents believe that they will have a continuing desire for their children to attend the preferred school in the school year 2022–2023, they must submit a fresh application for the school for a place from September 2022, which should be submitted to the council by 1 April 2022. If the application is subsequently refused, the child will then be added to a fresh waiting list for the 2022–2023 school year.

The government's Code of Practice on school admissions requires that positions on a waiting list must follow the same order as the local authority's published admission criteria. For community and voluntary controlled schools in Wiltshire these criteria are:

- a) children in the care of a local authority;
- b) vulnerable children (i.e. children of registered asylum seekers or children with severe medical conditions);
- c) for junior schools only, children currently attending the linked infant's school;
- d) children who live in the school's designated area who have a sibling already at the school;
- e) other children who live in the school's designated area;
- f) children from outside the school's designated area who have a sibling already at the school;
- g) children of members of staff of the preferred school;
- h) other children to whom none of the above apply.

The straight-line distance from the home address to the school is used as a tie- breaker within each of the above criteria with the nearest children accorded the highest priority.

The Code of Practice goes on to state the waiting lists should not give any priority based simply on the date a child's name was added to the waiting list. It is possible therefore that over time a child's position on a waiting list can change. There are two reasons for this.

- a) A waiting list can be lengthened. This happens when any future applications for new pupils are refused. It is important to understand that these pupils are not added to the end of the waiting list but inserted in accordance with their criterion for admission and distance of the home address from the school. Thus a new application for a child with a higher priority for admission than any of the children already on the waiting list would force all those other children down by one position each.
- b) A waiting list can be shortened. This would happen if any places were freed at the preferred school. Any freed place would be offered to the child at the top of the waiting list. If the place is accepted, then all the other children on the waiting list would go up by one position. If the place were declined, then the child in top position would be removed from the waiting list and the child in next position offered the place.

The position of a child on a waiting list can also change as the result of a change of address. It should be noted, however, that the change in position takes effect only when definite evidence of the house move has been received by the local authority.

The local authority will accept the following as evidence of a future house move:

- a) a solicitor's letter which confirms that an exchange of contracts has been made;
- b) a tenancy agreement of at least six months' duration; or
- c) a letter from the Defence Housing Association that confirms a service family's new address.

Parents or guardians must notify the local authority of any material changes in their circumstances, such as an intended house move, as this may affect their child's position on the waiting list.

Parents or guardians can ask for their children to be removed from the waiting list at any time.

The operation of a waiting list does not affect the parent or guardian's right of appeal for the child. The appeal process offers a separate course of action that parents and guardians can undertake. Neither lodging nor withdrawing an appeal changes the child's position on the waiting list. Equally the child's position on a waiting list does not necessarily impinge on the outcome of an appeal.

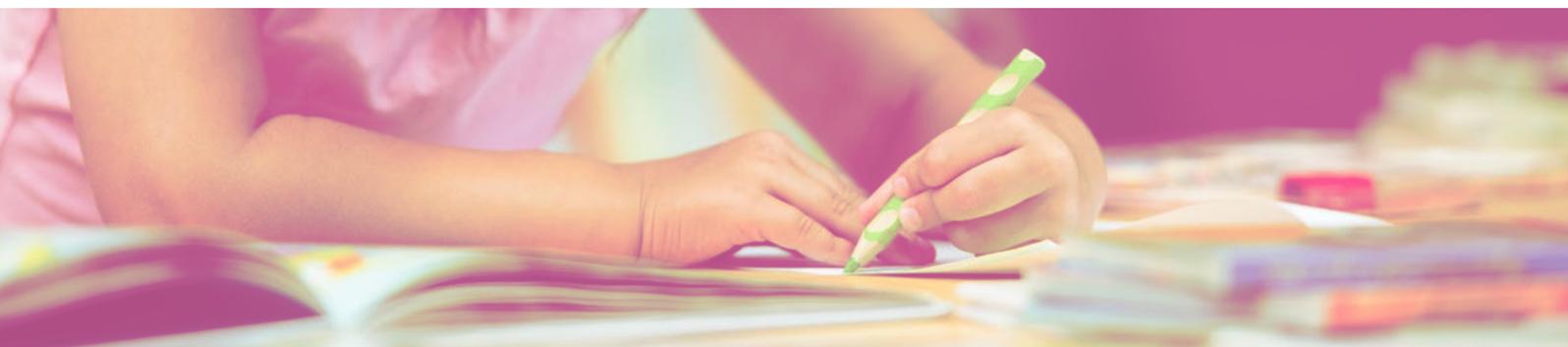
Further advice and information

The appeal team is unable to offer personal advice about your child's appeal. We can, however discuss procedures, administration and legislation and can be contacted at educationappealsadmin@wiltshire.gov.uk.

For information regarding availability of school places and waiting lists, please contact our admissions team at admissions@wiltshire.gov.uk or by telephone on **01225 713010**.

For further information go to the Advisory Centre for Education (ACE) website at www.ace-ed.org.uk or see the Admission Appeals Code.

The Local Government Ombudsman can investigate written complaints about maladministration on the part of a panel hearing appeals for a maintained school (not an Academy). Maladministration covers issues such as a failure to follow correct procedures or a failure to act independently or fairly – not complaints where a person simply feels that the decision taken is wrong. Further information can be found at: www.lgo.org.uk/make-a-complaint/fact-sheets/education/school-admissions or www.lgo.org.uk/make-a-complaint/fact-sheets/education/infant-class-size-appeals and www.lgo.org.uk/make-a-complaint.



Frequently asked questions

Q. Do I have to pay for the appeal?

A. There is no charge to parents for appeals, the school will pay the cost of the appeal.

Q. Can I ask the panel to contact anyone, such as my doctor or social worker, to confirm what has been said on my appeal form or at the hearing?

A. No. You are responsible for making sure that the panel has any written supporting evidence at the hearing.

Q. What documents or information can I add to my appeal form?

A. In your case you can mention all the reasons why that school would be best school for your child, and what special factors justify your child getting a place. There is no information you cannot include and everything you say or write will be handled in confidence.

Q. How long will the hearing take?

A. Each case is different, however, on average for mid-year appeals both stage one and stage two combined take about an hour. In multiple intake or transfer appeals, stage one could take forty-five minutes to an hour and stage two about thirty to forty five minutes.

Q. Can I bring a friend to the appeal hearing?

A. Yes. You can bring somebody with you either to support you or to speak on your behalf. You should inform us of your intention to do this prior to the appeal.

Q. Do I need to bring my child with me?

A. No, we actually advise against it. Your child may find the hearing difficult and confusing.

Q. How does the panel reach a decision?

A. The appeal panel reaches a decision in private, by a majority vote. If the panel is considering a large number of appeals about the same school, they will not make a decision about an individual case until all parents have had a chance to put their case forward. They follow the processes outlined in the school appeals code when making their decision.

Q. Where are the appeals heard?

A. Currently all appeals are being held remotely due to Coronavirus. Usually appeals are held at a venue which is in relatively close proximity to the school(s) in question. For example at the three main council hubs at Trowbridge, Salisbury and Chippenham.

Q. I am appealing for multiple children. Will their appeals be heard on the same day?

A. We do our best to hear the appeals on the same day. However, this is not always possible.

Q. Can I change the date or time of my appeal?

A. We will do our best to accommodate your needs but due to timetabling, statutory timeframes and numbers of appeals being heard on the same day this is not always possible.

Q. What should I do if I change my mind about appealing?

A. If you decide to withdraw your appeal, please let the appeals team know as soon as possible by emailing educationappealsadmin@wiltshire.gov.uk.

Q. Do I need to instruct a solicitor to represent me at the appeal hearing?

A. No. All panel members are independent and fully trained. They are used to talking to parents and will do their best to put you at your ease. However, if you feel it necessary, you may be represented by a solicitor if you wish.

Q. Who will represent the school?

A. If you are appealing for a local authority school, a representative from the local authority will present the school's case. There may also be a representative from the school who will be there to answer very specific questions in connection to the school's practices. If you are appealing for an Academy, either a representative of the academy trust and/or a representative of the local authority will present the school's case; depending on whether the Academy has an agreement with the local authority.

Q. We are currently living abroad/outside of Wiltshire. Can we send somebody to represent us?

A. Yes. Contact the democratic services department at Wiltshire Council on educationappealsadmin@wiltshire.gov.uk for further advice.

Q. My child's name is on a waiting list. Will my appeal affect my child's place on that list?

A. No. If your appeal is unsuccessful your child's name will stay on the waiting list. If you win your appeal your child's name will be removed from the waiting list. For further information about waiting lists please contact our admissions team on 01225 713010. Likewise, your place on the waiting list is irrelevant at the appeal.

Q. When will I hear if the council has received my education appeal?

A. You will hear that we have received this usually within 48 hours of the council receiving your appeal form.

Q. When will I know when my appeal is?

A. The council will send you a document a minimum of 14 calendar days before your appeal stating when it will be held. Please note that appeals will only be held in term time.

Q. Do I need to attend my appeal?

A. We recommend that you do attend your appeal. Your appeal can be held without your presence however you can also send a family member as your representative if you are unable to attend. If you are unable to attend, please let us know.

Q. What do I need as supporting evidence for my appeal?

A. Anything that you feel can help with the appeal decision whether it be doctors notes/ records, letter from the school or anything to back up your concerns as to why your child cannot attend the suggested school.

Q. I sent in my appeal over the summer holidays, will my appeal be heard before the start of term?

A. Unfortunately, we will not be able to schedule your appeal before the start of term due to schools being shut during this time.

If you have any queries that are not covered in this document, please email them to educationappealsadmin@wiltshire.gov.uk.

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For further information please visit the following website: www.wiltshire.gov.uk