

## School Admission Appeals – Parents’ Guide 2021

1. Your right to appeal
2. Appeal success rates
3. How to make your appeal
4. How to submit your appeal evidence
5. What evidence should you submit?
6. Your appeal during the Covid crisis
7. Primary school appeals, Reception to Year 2 (Infant Class Size Appeals)
8. Primary school appeals, Years 3 to 6
9. Appeal decision process (for all appeals, except for Reception to Year 2)
10. In year / immediate entry appeals
11. Disability
12. Translators
13. Waiting Lists
14. Decisions
15. Complaints & finding out more
16. Contact School Appeals Team
17. Appeals 2021 Timetable
18. Appeals process (Covid) flowchart

### 1. Your right to appeal

Parents can express a preference for a school for their child, but they do not have the right to a place at a particular school.

A school’s admission authority is responsible for allocating its school places. The admission authority can be the local authority (e.g. Milton Keynes Council) or school governors, depending on the type of school.

If there are more applicants than school places available, the admission authority allocates the places according to its oversubscription criteria (rules) which are published on schools’ websites.

The admission authority can refuse the parent’s application for a school place if:

- the school has allocated all its places and admission of an extra child will prejudice (harm) the education of its existing pupils; or
- the parent has applied for Reception, Year 1 or Year 2 and there are already 30 children in the class.

If you are a parent and you have applied for a school place for your child and the admission authority has refused your application, you have the right to make an admission appeal to an **Independent Appeal Panel**.

The Appeal Panel is made up of unpaid, trained volunteers who have no connection with the school, its admission authority or the local authority.

During the appeal, you can explain why you want the school place and the admission authority will explain why it refused your application. The Appeal Panel will consider all the information provided by you and the admission authority (by relevant deadline dates) before it makes its decision. If you are successful you will be offered the school place.

For schools where the admission authority is Milton Keynes Council, The Education Appeals Team at Buckinghamshire Council arranges the admission appeals.

**You are responsible for: making your appeal; explaining why you want the particular school place to the Appeal Panel; and providing written information in support of your appeal.**

**There are different types of appeal and the process will depend on the school place you want.**

## **2. Appeal success rates**

Most appeals fail because the schools are already full and do not have the resources to admit additional children without harming the education of the existing pupils.

**So please think carefully before making your appeal. They can be time-consuming and stressful for parents.**

You are unlikely to be successful where you:

- are appealing for a place in Reception, Years 1 or 2 (due to the law that applies to these appeals)
- do not live in the school's catchment area
- have been allocated a place at another school (even if it is not one of your preferred schools) at a reasonable distance from home
- do not have strong medical, social or educational reasons for your appeal, which you can support with evidence
- want the school place to make it easier for you to get to work or transport your children to school

## **3. How to make your appeal**

**It is very important you read this guidance before you make your appeal.**

**If you need help with your appeal, contact the Appeals Team via [appeals@buckinghamshire.gov.uk](mailto:appeals@buckinghamshire.gov.uk)**

**Please remember:**

- You can appeal for any school which you have applied for and been refused
- You can make an appeal as soon as your application for a school place is refused

- For each school you appeal for, you must complete a separate appeal form and there will be a separate appeal
- You cannot make two appeals for the same school in the same academic year

If you are appealing for a community or voluntary controlled primary school in Milton Keynes, you should contact Milton Keynes Council to ask for an appeal form via [primaryadmissions@milton-keynes.go.uk](mailto:primaryadmissions@milton-keynes.go.uk)

You will need to complete the appeal form and then email or send it by post to the **Appeals Team at Buckinghamshire Council** by the deadline date.

#### **THERE ARE IMPORTANT TIME LIMITS FOR MAKING YOUR APPEAL**

For **Primary appeals for September 2021 entry**, if you are refused a school place on **Friday 16 April 2021**, your completed appeal form must be received by the Appeals Team by **12 noon on Thursday 13 May 2021**.

**Appeals received by this deadline will be heard between June and July 2021.**

**Appeals received after this deadline will not be heard until September 2021, or later.**

**For all other appeals**, your appeal form should be received by the Appeals Team **within 28 calendar days** of the date you were refused the school place. The appeal will be heard as soon as possible.

**See 2021 Appeals Timetable at section 17.**

After you have submitted your appeal form, the Appeals Team will send you an **Acknowledgement Letter** with your unique **Appeal Reference Number**. **Refer to this number if you contact the Appeals Team.**

If you do not receive this letter within 14 working days, please contact the Appeals Team.

Remember to:

- Keep copies of your appeal form and any other documents you send.
- **Tell the Appeals Team about any changes to your contact details.**

#### **4. How to submit your appeal evidence**

You must explain in writing on the appeal form why you want the school place.

You should also send the Appeals Team documents and written evidence in support of your appeal (by post or email). You can send this evidence with your appeal form or afterwards but it must be received by the Appeals Team by the evidence deadline date.

We advise you to start collecting together the documents you want the Appeal Panel to see as soon as possible. (Remember, there may be delays due to school holidays and Covid).

**For primary appeals submitted by 16 April** – your evidence must be received by the Appeals Team by 5pm on Tuesday 1 June.

For other appeals - evidence must be received by the Appeals Team by the evidence deadline date notified to parents by letter from the Appeals Team.

**If evidence or information is received late, the Appeal Panel may not be able to take it into account or your appeal may be delayed**

**Please remember:**

- **It is your responsibility to provide evidence in support of your appeal and on time**
- **The Appeals Team and the Appeal Panel cannot obtain evidence on your behalf**
- **Anything you send to Milton Keynes Council is not automatically provided to the Appeals Team**
- **If you make more than one appeal, send separate copies of your evidence for each**
- **Do not re-send documents**
- **You should try to send your evidence with your appeal form**
- **Or, send it as soon as possible afterwards and no later than the evidence deadline date – see the Appeals Timetable.**
- The Appeals Team will write to you with the deadline date for sending your evidence.

When you send your evidence, please:

- number the pages and write your child's name on them
- write your reference number on documents sent separately from your appeal form
- use correct postage (if you are sending documents by post)
- provide documents in A4 size
- do not send evidence after your appeal – the Appeal Panel will not see it
- do not use staples or treasury tags, document wallets, files or file dividers
- **do not send: original documents; photographs of documents** (they cannot be copied); **highlighted documents** (copies will be illegible); **PowerPoint, video or other audio/visual presentations; letters of support from the school you are appealing for\***; **schoolwork or certificates\*\*** (they will not be sent to the Appeal Panel).

\*You may send letters of support from your child's current or previous school

\*\*You can submit a written summary of relevant certificates/achievements

## **5. What evidence should you submit?**

For all appeals, you will need to say in your appeal form why you want the school place and provide documents in support, if possible.

For example,

- you need to focus on what you feel the **particular school** you are appealing for can offer your child that the allocated or other schools cannot.
- if you have medical or social or educational reasons for wanting the school place, provide written evidence from a doctor, medical practitioner, education or other professional.
- if you want a place at the school due to the subjects offered there or the school's ethos, explain why you particularly want these subjects or ethos.
- if your reasons are due to a house move, provide written evidence of exchange of contracts or tenancy. (Do not send us the whole tenancy agreement or contract; a first and signature page or solicitor's letter is enough).
- if you are unhappy with the current school, explain what has happened and what you and the school have done to deal with the problems, and provide supporting letters, emails and reports.
- if your reasons relate to transport, provide information and maps.
- if your reasons relate to family circumstances, provide details and supporting evidence.

***These are examples only and it is your responsibility to provide your evidence and documents in support of your appeal and send it to the Appeals Team on time.***

***You will need to show that there are very strong reasons for wanting a place at the particular school as the school is probably already full and considers it cannot admit another child without harming the education of the other children.***

***You should send your evidence when you submit your appeal form or as soon as possible afterwards by email or post and no later than the evidence deadline date or it may not be seen by the Appeal Panel.***

## **6. Your Appeal during the Covid-19 crisis**

Usually admission appeals are considered by the Appeal Panel at appeal hearings to which the parent and admission authority are invited to explain their respective cases.

The government has said that face-to-face appeal hearings should not take place during the Covid-19 outbreak until the government guidelines on social distancing indicate it is safe to do so. Emergency regulations came into force on 24 April 2020 enabling temporary arrangements to be made for admission appeals during the Covid-19 crisis. The regulations were extended on 1 February 2021 to 30 September 2021. It is therefore unlikely that normal face-to-face hearings will take place until October 2021 at the earliest.

The regulations are intended to give admission authorities as much flexibility as possible to manage appeals in a way that best suits local circumstances whilst ensuring that families appealing are supported and not disadvantaged by the measures in place to protect public health. The regulations dis-apply the requirement that appeal panels should be held in person and instead allow hearings to take place either by telephone, video conference or through a paper-based appeal where all parties

can make representations in writing. The emergency provisions explain it is for the Appeal Panel to decide how the appeals will be considered.

Video conferencing and telephone appeals were carefully considered and trialled, but the Appeal Panel decided that not all participants could successfully access reliable, consistent and secure electronic means to enable the Panel to consider the appeals fairly and transparently. Local circumstances that significantly affect the appeals process include the large numbers of complex multiple appeals which must be considered in a short period of time by the volunteer, unpaid panel members.

The Appeal Panel will, therefore, make its decisions on appeals under the temporary arrangements on the basis of written documents only, submitted preferably by email.

The Appeals Team will acknowledge receipt of an appeal, provide parents with their individual reference number and explain how their appeal will be determined.

The Appeals Team will write to parents to give at least 14 calendar days' notice of when their appeal will begin and the deadline date by which any additional information or evidence (not already submitted with their appeal form) should be received by the Appeals Team.

Any information or evidence not submitted by the deadline might not be considered by the Appeal Panel before it makes its decision. The Appeal Panel will decide whether any material not submitted by the deadline date will be considered, taking into account its significance and the effect of a possible need to adjourn/postpone/delay the appeal.

The Appeals Team will send parents copies of all the appeal paperwork before the start of the appeal. This includes the appeal form, any evidence sent in by parents and the admission authority's case explaining why it refused the school place. The appeal paperwork is also sent to the Appeal Panel and the admission authority so that everyone has time to read it before the Appeal Panel considers the appeal.

**When parents receive the appeal paperwork, they must check it includes everything sent to the Appeal Team (except for any schoolwork and certificates which will not be included). If anything is missing, parents should contact the Appeals Team immediately.**

Usually, the appeal process allows for oral questioning by the parent and Appeal Panel on the admission authority's case and oral questioning by the Appeal Panel and admission authority on the parent's case. The questioning allows the Appeal Panel and parents and admission authorities to clarify points made in the written cases, and to solicit further relevant information.

Therefore, under the temporary appeal arrangements, the Appeal Panel and parents will be given the opportunity to ask written questions about the admission authority's case, and the admission authority and Appeal Panel will be given the opportunity to ask written questions about the parent's case. The written responses from the parents and admissions authority will be circulated to all relevant parties.

Parents should not use the appeal process to submit FOI requests. If parents have any questions about the appeal process, they should ask the Appeals Team or the clerk, not the Appeal Panel. The

Appeal Panel cannot respond to any education policy questions. Their role is to determine if the admission authority's arrangements are lawful and lawfully applied in the appeal before them.

The clerk to the Appeal Panel will contact parents and the admission authority and provide the dates by which they should submit their written questions and answers. Parents and admission authorities will have 7 calendar days to respond to questions.

**Parents should make sure they check emails, including "junk" and inform the Appeals Team of any changes to their email and postal address.**

The Appeal Panel and clerk will meet over Microsoft Teams to formulate the questions for parents and admission authorities, consider the written responses, deliberate and make decisions.

The Questions and Answers process, which must take place before decisions are made, at both Stage One and Stage Two, will take some time especially where there are multiple appeals for a school. This is because the same Appeal Panel members must consider all appeals submitted by parents for a school and must not make any decisions until it has considered them all.

However, we aim to ensure that all appeals for September 2021 entry which are submitted by the deadline dates (16 April for primary appeals) are completed by the end of July.

See Appeals Process under Covid Flowchart **at section 18.**

**It is very important that parents can fully explain their case.**

**You can ask a friend or relative to help you provide your written reasons for appeal.**

**If you have any difficulty in explaining your reasons for appeal in writing and need additional support, you should contact the Appeals Team as soon as possible.**

## **7. Primary school appeals, for Reception to Year 2, (Infant Class Size Appeals)**

Most appeals for a school place in Reception, Year 1 or Year 2 are called Infant Class Size (ICS) Appeals.

**Please think carefully before making your appeal as the Law means that most appeals for Reception, Year 1 or Year 2 are unsuccessful and they are time-consuming and stressful for parents.**

The Appeal Panel can only **review** the decision of the admission authority to refuse your child a place and it can only consider what the admission authority knew at the time you made your application.

In a class where most children will reach the age of 5, 6 or 7 during the school year, the size of that class is limited by Law to 30 pupils per teacher. Admission over the limit is only allowed in very limited and exceptional circumstances.

The Appeal Panel can **only** uphold your ICS appeal in **exceptional circumstances** and if it finds that:

a) there will not be more than 30 children in the class if your child is given a place; or

b) school places were allocated unlawfully, and you would have been offered a place if they had been allocated lawfully; or

c) the admission authority's decision to refuse admission was completely unreasonable, perverse or irrational under the admission arrangements (i.e. the rules by which places are allocated).

**When submitting your appeal, please explain if you are appealing on grounds a, b or c above and provide evidence in support.**

**Examples:**

*The law says that it is extremely unlikely that you will be successful at appeal even if it is difficult for you to continue working or get your children to school on time.*

*The law says that the Appeal Panel cannot take into account your personal circumstances or your practical difficulties. Parents are often disappointed that their reasons for wanting the school, however strong, cannot be considered by the Appeal Panel.*

*If you have been offered a place at another school reasonably near your home, your appeal is very unlikely to succeed, even if you have other children at the school you want.*

*In very exceptional circumstances, such as when a family moves house under a witness protection scheme, an Appeal Panel may decide that the refusal of the school place was unreasonable/perverse/irrational.*

See the independent advice about ICS appeals from the Local Government and Social Care Ombudsman at:

[www.lgo.org.uk/make-a-complaint/fact-sheets/education/infant-class-size-appeals](http://www.lgo.org.uk/make-a-complaint/fact-sheets/education/infant-class-size-appeals)

## **8. Primary school appeals, for years 3 to 6**

If you applied for a year 3-6 primary school place and were refused, this is because the admission authority has allocated all its places under the school's published admission arrangements (rules) and the school says it is full and to admit another child will harm the education of the other pupils.

You should submit your appeal and evidence as explained in this guidance.

## **9. Appeal Decisions process (except for most appeals for Reception to Year 2)**

There are usually two stages to the appeal process.

**At Stage One**, the admission authority will explain why the school place was refused and what effect an extra child would have on the school.

You will receive the school's written case about a week before the appeal begins. The admission authority may explain, for example, that the school has no places and cannot admit another child due to a lack of classroom space or teaching staff, health and safety concerns, numbers of pupils needing additional support, or the effect on behaviour or results.

The Appeal Panel and parents can ask questions about points raised in the school case. If there are multiple parents appealing for a school, all of them will be invited to ask questions about the admission authority's case.

The Appeal Panel will decide:

**- Will the admission of an extra child harm the efficient education or use of resources at the school?**

If the answer is NO, your appeal will be successful, and you will be offered a school place.

But, if there are multiple appeals for the school and to admit all the children would seriously harm the education of the existing pupils, the Appeal Panel must go to Stage Two.

If the answer is YES, the Appeal Panel will go to **Stage Two**. (Usually the appeal process will move to Stage Two).

**At Stage Two**, the Appeal Panel will consider your reasons for wanting the school place. You will be asked questions by the Appeal Panel and admission authority.

**The Appeal Panel must then "balance the arguments" it has heard from you and the admission authority. It must decide if your reasons for wanting the school place outweigh the harm caused to the school if an extra child were admitted. It must decide if you or the school has the stronger case.**

**Whether or not you are successful will depend on the individual facts of the case.**

For example, if the admission authority presents a weak case and the Appeal Panel thinks there will be little difficulty for the school if it admitted another child into the class, and you made a strong case showing your child has a convincing medical, social or educational reason for this particular school (which is backed up by written evidence), you are more likely to be successful.

But, you are less likely to be successful if the school's case is strong, (because the class is already large with some children with special needs affecting resources and there are staff shortages and health and safety concerns, for example), and your case is relatively weak because you want the school place because it would be more convenient for your work/getting children to school and there is another school place available within a reasonable distance from your home.

In **multiple appeals**, (where more than one parent is appealing for a place at the school), if the Appeal Panel finds that there are a number of children with strong cases, but the school cannot admit all of them, it will compare the cases. The Panel will uphold the strongest appeal/s.

## **10. In year / immediate entry appeals**

You can apply for your child to start a school during the academic year, if you move into Milton Keynes, or you want to move your child from one school to another.

If the admission authority refuses your application for the school place, you can make an appeal. This is called an “In Year” or “Immediate Entry” appeal.

You should make your appeal within 28 days of the refusal and the appeal will take place as soon as possible.

The appeal process will depend on the type of school place you are appealing for: Reception to Year 2, or other year primary group.

### **11. Disability**

If your child has a disability, you may want to discuss your appeal with their Headteacher and the Special Educational Needs Co-ordinator at the current school.

The Appeal Panel may be required to consider whether your child is disabled and whether there has been any discrimination within the meaning of the Equality Act 2010.

**If you are a disabled person who requires reasonable adjustments so that you can participate in the appeal, please contact the Appeals Team as soon as possible.**

### **12. Translator**

If you require a translator to help you provide your written reasons for appeal to the Appeal Panel, please email the Appeals Team as soon as possible and say which language you need. Alternatively, you can arrange your own translator or ask a friend to support you with providing your written reasons for appeal.

### **13. Waiting lists**

Appeal Panels must not take into account where the admission authority has placed a child on the waiting list, or that appeals have not been made for other children on the waiting list. Appeal Panels must not make any decision relating to a waiting list. If you have any queries about waiting lists, please contact Milton Keynes Council, not the Appeals Team.

### **14. Decisions**

The Appeal Panel’s decision is legally binding and final. It can only uphold or dismiss your appeal.

The Appeal Panel cannot:

- Enter into discussions with you or the admission authority
- Attach any conditions to the decision

- Hear complaints or objections about school's admission policies or practices
- Reassess the capacity of the school
- Tell the admission authority to change your position on a waiting list
- Allocate a place at a school other than the school appealed for.

**A decision letter will be sent to you by first class post no later than 7 calendar days after the appeal decision is made, unless there is good reason.**

Where there are **multiple appeals** for a school, which are likely to take place over some weeks, **decisions will be sent no later than 7 calendar days after all the decisions have been made for the school.**

**We cannot give decisions over the telephone or by email.**

If the Appeal Panel upholds your appeal and you are successful, you will be offered the school place. Make sure you contact the school to agree the date your child should start.

If the Appeal Panel dismisses your appeal and you are unsuccessful, your child will not be allocated a place at the school appealed for. You can contact Milton Keynes Council to ask about spaces in other schools.

**You cannot make a second appeal for the same school for the same academic year**

## **15. Complaints & finding out more**

If your appeal is unsuccessful there is no further right of appeal.

If you feel that your appeal hearing was not properly or fairly conducted you can complain to the Local Government and Social Care Ombudsman (LGSCO), if the school you appealed for is a community or voluntary controlled school.

**Even though you may not be satisfied with the Appeal Panel's decision, the LGSCO can only investigate whether there has been a failure to follow correct procedures.**

The Local Government and Social Care Ombudsman

PO Box 4771,  
Coventry, CV4 0EH

Advice Team: 0300 061 0614

See: [www.lgo.org.uk](http://www.lgo.org.uk)

An Appeal Panel's decision can only be overturned by the Courts where a parent or admission authority is successful in applying for judicial review of that decision. You will need legal advice if you seek judicial review.

Details about how to make a complaint about the way your appeal was conducted can be found at:

[www.gov.uk/schools-admissions/appealing-a-schools-decision](http://www.gov.uk/schools-admissions/appealing-a-schools-decision)

**To find out more about admission appeals:**

Contact:

**ACE Education Advice** at: [www.ace-ed.org.uk/](http://www.ace-ed.org.uk/)

**Coram Legal Children's Centre**, Community Legal Advice Education Law Line – for education legal advice for those eligible for Legal Aid. Tel: 0300 330 5485; see [www.childlawadvice.org.uk](http://www.childlawadvice.org.uk)

Read:

**Advice for parents on school admission appeals from the Department for Education**  
<https://www.gov.uk/government/publications/admission-appeals-for-school-places/advice-for-parents-and-guardians-on-school-admission-appeals>

**School Admission Appeals Code 2012** and **School Admissions Code 2014**, published by the Department for Education; at [www.gov.uk/government/publications](http://www.gov.uk/government/publications)

### **16. Contact School Appeals**

The Appeals Team arranges school admission appeals for community schools within Milton Keynes.

Contact us about your appeal by email: [appeals@buckinghamshire.gov.uk](mailto:appeals@buckinghamshire.gov.uk)

Or post: **Education Appeals Team, Buckinghamshire Council, Walton Street Offices, Walton Street, Aylesbury, Buckinghamshire, HP20 1UA.**

## 17. Admission Appeals Timetable 2021

DATE	EVENT
Friday 16 April 2020	Primary Allocation Day
<b>12 noon on Thursday 13 May 2021</b>	<b>Primary Appeals Deadline</b> – completed appeal forms must be <u>received</u> by the Appeals Team by <b>12 noon</b> on 13 May 2021*
June – July 2021	Primary Admission Appeals heard
At least 14 calendar days before start of appeal	Notice of appeal letters sent to parent/s
<b>5pm on Tuesday 1 June 2021</b>	<b>Primary Appeals – parents’ extra evidence deadline</b> – parent/s must ensure that any additional documents/ information in support of their appeal is <u>received</u> by the Appeals Team by this date or it may not be considered by the IAP**
At least 8 calendar days prior to start of appeal	Case papers are sent by Appeals Team by post to parent/s, admission authority/school and panel members
No later than 7 calendar days of the appeal decision or, in the case of multiple appeals, within 7 calendar days of all appeal decisions for that school	Decision letter is sent to parent/s and admission authority/school

\*For the appeal to be heard before the end of July 2021. Appeals submitted after the deadline date (13 May for primary appeals) will be heard from September 2021 onwards.

\*\* For primary school appeals submitted by 13 May. For appeals submitted after this date, parents’ extra evidence must be received by the Appeals Team at least 10 calendar days before the appeal begins or it may not be seen by the Appeal Panel.

## 18. Admission appeals process during Covid outbreak

Parent submits appeal (with evidence) to Appeals Team

Appeals Team writes to Parent with:

- Details of appeal process & timing
- Date for submission of additional information
- Reference number

Parents send additional information to Appeals Team  
Admission Authority (AA) sends its case to Appeals Team

Appeals Team sends case papers (Parents' appeal & evidence and AA case) to Parents, AA, IAP & Clerk

### Stage 1

- IAP & Clerk (by telephone/video Teams meeting) discuss & formulate Questions on AA Case
- Questions sent to Parents who are asked to send any additional, relevant Questions on AA case by deadline date
- IAP's & Parent's Questions sent to AA with request for Answers by deadline date
- Answers from AA sent to IAP & Parents
- IAP & Clerk (by telephone/video Teams meeting) deliberate & make Stage 1 decisions

### Stage 2\*

- IAP & Clerk (by telephone/video Teams meeting) discuss & formulate Questions on Parent's case
- AA is asked to send any additional, relevant Questions on Parent's case by deadline date
- IAP's & AA's Questions sent to Parent with request for Answers by deadline date
- Answers from Parent sent to IAP & AAs
- IAP & Clerk (by telephone/video Teams meeting) deliberate & make Stage 2 decisions

Appeals Team sends decisions to Parents & AA within 7 calendar days of decision/s

\*In multiple appeals (where there are two or more appeals for a school) the same Appeal Panel must consider all the appeals for the school before making its decisions, so there will be multiple IAP and Clerk's Teams meetings at Stage 2.