

## **Appeals FAQ for Year 7 Academic Year 2024 – 2025**

### **My son/daughter/ward 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?**

The Independent Appeals Panel intends that your appeal will be conducted based on written submissions and a virtual meeting to present your case. This decision has been made to ensure that all appeals for the school can be heard in a fair and consistent way, considering any 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 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 school's generic defence statement is available on our 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 30th June 2024, your appeal must be submitted between 1st March and the 31st March 2024. 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.

### **Who will consider my appeal?**

Your case will be considered by an Independent Appeal Panel. There are usually three people on the panel, at least one of whom will have experience in education and at least one of whom will be a lay person. The panel is 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 also independent of the school and are responsible for the administrative arrangements for the appeal, for keeping the official notes 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, ideally by email. 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 have received 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 Criteria 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 statement 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's 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?
- For example: There were two appeals in 2022. Greenacre Academy was oversubscribed with a waiting list in Year 7.
- How do the school organise the classes?
- All rooms which are practical are designed and constructed to take account of the PAN. To admit a significant number of additional pupils raises issues of Health and Safety in these areas, particularly in the Design and Technology subjects, where numbers must not exceed health and safety guidance.
- How many additional students can be accommodated in each class without impacting the level of education received?
- None
- Are there any plans for the school to expand their facilities?
- Greenacre School and Walderslade School are having a science block built for all of our students across both schools. We plan to have a future PAN of 170.
- How do you measure the home/school distance and how do you ensure it is correct?
- Greenacre School and Walderslade School have adopted Medway Council's criteria for measuring the nearness of children's homes to the school when allocating places. Distance will be measured by the shortest available safe walking route between home and school, as measured by Medway Council's Geographical Information System and as defined in the Medway Co-ordinated Admission Scheme.

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

- See the previous answer above regarding the impact on health and safety of students on roll.
- Design Technology rooms are designed for smaller numbers because of Health and Safety legislation. This has been factored into the number of students the school admits yearly.
- Non-practical classrooms are designed to take 30 pupils as a maximum. Ours is an old building and we have no capacity to have 30 plus students in a teaching room. We believe that having over 30 children in a non-practical classroom is detrimental to the other students in the group. This is especially the case as students get older and become physically bigger.
- Design Technology and Food Technology are taught by specialists and in Design Technology using machinery requires specialist experience and training for teachers. We cannot create extra classes as we have finite resources including limited specialist rooms and specialist teachers.
- We have a limited number of changing facilities on site, increasing numbers over PAN would lead to group sizes being too large for the existing facilities and therefore cause a health and safety concern. This is especially true as the students get older and physically bigger.

**What information should I give to the Panel?**

It is 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 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.

**What will the impact be on your child if they do not attend 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.

**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 information can be received as the Panel require sufficient time to consider your case. All paperwork will be issued to you electronically via email 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 decide 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 email. 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.