

# Procedure for Independent School Admission Appeals

## Information for Parents & Carers



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Metropolitan Borough Council

## Introduction

This booklet provides all the essential information regarding the procedure and details of independent appeals for admission to a school or academy. We recommend you read the “Admission to School – Advice to Parents” booklet, as it may be referenced during the appeal process. If a copy is needed, it can be downloaded from [Barnsley school admissions](#)

Further advice and information about independent appeals can be requested from the appropriate teams:

- For community, voluntary controlled schools:

School Appeals Service  
Democratic and Member Services  
Town Hall  
Barnsley  
S70 2TA.

Telephone: (01226) 773451, (01226) 773147, (01226) 773142, (01226) 772356, (01226) 772804 or (01226) 772207

- For voluntary aided schools and academies:

Telephone: (01226) 773677 to check whether the Local Authority or the academy will be arranging the appeal.

## What happens after I have submitted my notice of appeal?

The admissions team will schedule the appeal and collate all relevant information which will be sent to the School Appeals Service in Democratic and Member Services.

You will receive an invite to the hearing via email, this will be at least 10 school days before the date of the hearing, unless you have agreed for less notice. This email will confirm which type of appeal hearing it is.

If you change your mind and no longer wish to proceed with the appeal, please email [admissions@barnsley.gov.uk](mailto:admissions@barnsley.gov.uk)

All independent appeals are organised in line with legislation and the Admissions and Appeals Codes. Key requirements include:

- Appeals must be submitted in writing, stating the grounds for the appeal.
- Every parent has the right to attend the independent appeal and present their case to the panel.
- Parents may be accompanied or represented by a friend.
- Independent appeals are held in private.
- The Appeals Panel's decision is binding on both parents and the Admission Authority.
- The decision will be sent to parents in writing.

## Types of appeal

There are two types of appeal, the type of appeal hearing is determined by the year group and the class size.

- a) Infant class size
- b) 2 Stage

## Infant class size appeals

Infant classes refer to those in which most children turn 5, 6, or 7 during the school year (Reception, year 1 and year 2). Legislation limits the size of infant classes to 30 pupils per teacher, with certain permitted exceptions which are detailed below.

The Admission Authority must admit pupils up to the published admission number for the school or academy. Once this number is reached, further admissions are refused to avoid exceeding class sizes. However, an independent appeal panel may permit admission under specific grounds:

- a) The admission of an additional child would not breach the infant class size limit
- b) The admission arrangements did not comply with the law or were not correctly and impartially applied, and the child would have been offered a place if they had been
- c) The decision was not one that a reasonable admission authority would have made in the circumstances

What is a reasonable decision?

The Court of Appeal decided that, when looking at this reason for an appeal, the panel cannot redo the original admission application. However, it can look at new evidence. The panel's job is to decide whether a reasonable admission authority would still refuse the place in the current situation, including any new information. If the panel believes the original decision was unreasonable - meaning no sensible authority would make it - then the appeal can succeed. Otherwise, the appeal must fail. The panel is there to check if the school or academy made a fair decision.

Guidance from the Court of Appeal:

The appeal panel should only overturn the admission authority's decision if new information is so convincing that keeping the original decision would be unreasonable. Examples of 'relevant circumstances' might include whether this new information could have been shared earlier, or if all school places are already taken.

Parents must make a strong, specific case to show that refusing their child a place was clearly the wrong thing to do. The admission authority then has to explain why the child wasn't admitted and show that the decision was fair.

The appeal panel must show it is thinking carefully about the case, not just agreeing with the admission authority. However, the panel should make it clear to parents that the only way the appeal can succeed is if refusing the child a place was a decision that went completely against the evidence and could be considered perverse.

In this context, 'perverse' means making a decision that ignores all the facts and evidence.

## Infant class size exceptions

Pupils may be admitted as exceptions to the infant class size limit in the following circumstances:

- Children admitted outside the normal admissions round with a statement of special educational needs or an Education, Health and Care Plan specifying the school
- Looked after children and previously looked after children admitted outside the normal admission round

- Children admitted after the initial allocation of places due to a procedural error made by the admission authority or local authority in the original application process, where the child should have been offered a place
- Children admitted following an independent appeal panel upholding an appeal on allowed grounds
- Children moving into the area outside the normal admissions round where no other available school is within reasonable distance
- Children of UK service personnel admitted outside the normal admissions round
- Children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil
- Children with special educational needs normally educated in a special educational needs unit attached to the school, or registered at a special school and attending an infant class in the mainstream school (not in the unit), where this is deemed beneficial

These pupils remain excepted for as long as they are in an infant class, or until it becomes possible for them to be placed in an infant class not exceeding the statutory limit.

## What to expect at an infant class size appeal

You will be invited to attend the appeal hearing which usually takes place in the Town Hall.

A clerk will explain how the meeting will work.

The school's representative will explain why your child was not given a place. This will include:

- How the admissions process worked and that there were no mistakes.
- Why not offering a place was reasonable because of class size rules.

You can ask questions about the school's reasons.

The appeal panel (who decide the case) can also ask questions.

You will have a chance to talk about your reasons for appealing.

The school's representative and the panel can ask you questions as well.

After everyone has spoken, you and the school's representative will leave the room.

The panel will then make their decision.

You will get a letter by email with the result within 5 school days after the hearing confirming the decision of the panel.

## Two-stage appeal

Two-stage appeals apply when a child is denied a place because further children would prejudice effective education or the efficient use of resources.

The two stages are:

**Factual stage:** The panel considers whether the Authority's admission arrangements were correctly applied and decides if "prejudice" would arise if a child were admitted. If not, the appeal is allowed. If prejudice is determined, the appeal proceeds to the next stage.

**Balancing stage:** The panel weighs the degree of prejudice against the parental factors before making a decision.

## The Admission Authority's case for prejudice

Before the appeal, parents will receive a copy of the case for not offering their child a place at the school or academy. This will include:

- Relevant legislation on admissions
- The admissions policy
- The number of pupils on roll
- The capacity of the school
- Class/year group organisation
- Specific operational and management issues relating to the individual school or academy

In most cases the case for prejudice will be presented by a Local Authority Officer who is supported by a representative of the school.

## What to expect in a two-stage appeal

You will be invited to attend the appeal hearing which usually takes place in the Town Hall.

You are strongly encouraged to attend the appeal hearing to explain your situation. If you're unable to attend, you can send a friend or relative on your behalf, or submit written evidence for consideration.

The Clerk will explain the two-stage process to you.

### **Stage One – Factual Review:**

The presenting officer (usually a Local Authority representative) will outline why your child was not offered a place, presenting the case for "prejudice", see below for more information on this.

You and the panel can ask the presenting officer questions relating to their reasons.

Once all questions are answered, you, the presenting officer, and anyone accompanying you will leave the room while the panel decides whether there have been any issues with the admissions process, and if these issues were rectified you should have been granted a place. It will consider whether admitting another child would cause “prejudice”.

The Clerk will announce the panel’s decision when you return. If the panel finds that there have been issues with admissions process, or that “prejudice” would not result, your appeal is successful and the hearing concludes.

If the panel finds that there have been no issues with the admissions process and that “prejudice” would result, the appeal moves to the next stage.

### **Stage Two – Balancing Circumstances:**

You will have an opportunity to present your individual reasons for seeking a place at the school.

The presenting officer and school representative may ask you questions about your circumstances, and the panel may do so as well.

The appeal is concluded once all questions have been asked and answered and you will be asked to leave

The panel will make their decision in private.

You will receive the outcome of your appeal by email within five school days of the hearing.

This process ensures that both the school’s position and your personal circumstances are considered thoroughly and fairly before a final decision is made.

## **Multiple Appeals**

Depending on the number of appeals for a school or academy, the process may occur over several sessions.

All parents are invited as a group to the first session to hear the admission authority’s case (Stage 1). If prejudice is not proven for all appellants, all appeals are allowed. If prejudice is proven, the process proceeds to Stage 2, which is in private - no other parents are present when you present your case.

### **When will I know the appeal panel’s decision?**

The Clerk will advise you at the appeal hearing when you can expect to receive the decision letter, which will be sent as soon as possible after the hearing(s) but always within 5 school days of the hearing.

### **If my appeal is unsuccessful, can I appeal again?**

Unless there have been significant changes in the circumstances of the child or parent(s), or the school/academy, the admission authority is not required to reconsider its decision and therefore parents do not have the right of another appeal.

### **Can I complain?**

The Appeal Panel's decision is binding on all parties and there is no further right of appeal. If procedures were not followed correctly, contact the Local Government Ombudsman (LGO) or the Department for Education (DFE) for academies. The LGO/DFE will not question a fair decision but may recommend a fresh appeal if procedures were not followed and an injustice occurred

## **Advice and Guidance**

The Department for Education (DfE) website offers advice on a range of school-related matters and links to the Admissions and Appeals Code of Practice. Visit [www.education.gov.uk](http://www.education.gov.uk) for further information.

Statutory guidance on school admission appeals is available in the document "School Admission Appeals Code of Practice", which can be obtained from:

DfE Publications  
PO Box 5050  
Sherwood Park  
Annesley  
Nottingham  
NG15 0DJ

Telephone: 0845 6022260

Email: [dfes@prolog.uk.com](mailto:dfes@prolog.uk.com)

## Frequently Asked Questions

### Do I have to attend the appeal panel hearing?

No, but attendance is strongly advised. You are best placed to present your case and answer the panel's questions. If you do not attend or are not represented, the hearing will proceed in your absence using submitted documentation only.

### Who will be at the appeal hearing?

- You, your partner, or a friend/supporter
- The Appeal Panel (three members)
- The Clerk to the Panel
- Local Authority or school/academy representatives

The Code of Practice does not envisage children attending appeal hearings as the appeal is an opportunity for you to put across your case on behalf of your child. No panel member will have any connection with the school or academy in question.

### What sort of information should I provide?

- For medical/social cases: Written evidence from a doctor or professional, relating to how the school can meet those needs
- For house moves: Evidence of completion of house purchase, tenancy agreement, or other relevant documents
- Any other relevant letters, reports, or documentation
- We encourage you not to supply letters of support from your child's primary school. This is to avoid any potential conflicts of interest and unfairness.
- Submit documentation 7 days prior to the appeal.

### What if my child has an Education, Health and Care Plan (EHCP)?

Appeals for children with an EHCP are heard by an independent Special Educational Needs Tribunal, not an Admission Appeal.

### My child has been refused a place because of infant class size legislation. What does this mean?

Infant classes are those in which most pupils turn 5, 6, or 7 during the year (Reception, Years 1 and 2, and sometimes Year 3 in mixed groups). Legislation limits these classes to 30 pupils per qualified teacher, with limited exceptions.

### Does the class size limit apply to mixed nursery/reception Year 2/Year 3 classes?

The limit applies when the majority of children in a class will be aged 5, 6, or 7 by the end of the school year.

### Who can help me prepare for my appeal?

Contact the Clerk to the Appeal Panel for queries or concerns, though the Clerk cannot prepare your case. The Advisory Centre for Education (ACE) provides independent advice and publishes “Appealing for a School”, available at [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

### **Who are the Appeal Panel Members?**

- One member with educational experience or familiarity with educational conditions in Barnsley, or a parent of a registered pupil
- One lay member, with no personal experience in school management or provision of education (excluding experience as a governor or voluntary role)
- The third member will be from one of the above categories

No panel member will have any connection with the school or academy in question.

### **What powers does the appeal panel have?**

The panel may either allow or refuse your appeal. The decision is binding on both the school/academy and parents.

## **Complaints**

If parents, having completed the Authority’s Admissions and appeals procedures, wish to make a complaint about how their case was handled, they may contact the Local Government Ombudsman - or in the case of academies or free schools the Department for Education.

Further details can be found here

<https://www.gov.uk/schools-admissions/complain-about-the-appeals-process>