

TELFORD & WREKIN EDUCATION APPEALS PANEL

ADVICE FOR PARENTS ON APPEALS FOR INFANT AGE CHILDREN

The result of your appeal will depend on the strength of your case. In most admission appeals, the Panel goes through two stages.

In the first stage, the panel hears the case put by the admission authority, explaining why it did not offer you a place at your preferred school. (The phrase sometimes used is “whether the admission would be prejudicial to efficient education or efficient use of resources”). An example might be where the school had very small classrooms and could not fit your child in without making the space too cramped for good teaching and learning.

At the second stage of the appeal, the Panel hears your case and why you are appealing against the decision. You can mention all the reasons why that school would be the best for your child, and what special factors justify your child getting a place in spite of the Authority turning you down. If the Panel decides there was a good reason for turning down your application it then makes a “balancing judgment”, and decides whether the benefits to your child of going to the school you are appealing for instead of the school you have been offered outweighs the effects on the school and the other children of having another pupil in the class. If the appeal panel decides that your case is the stronger, it will uphold your appeal. The admission authority is then under a duty to admit your child to the school.

Different rules apply if your admission application has been refused because the class has reached its legal limit of 30. The limit applies to any child who will be in an infant class – a class for 5-7 year olds. It can also apply to any situation in the future where it can be reasonably expected the class will reach its legal limit while the child is still an infant. In this type of appeal the appeal panel are only allowed to look at two things. The first thing is whether the admission authority stuck to its own rules which were published in its admission arrangements. If the admission authority broke its own rules, either deliberately or by mistake, then your appeal can succeed, but only if your child would have got in if the rules had been applied properly.

Secondly, the Panel must also be satisfied that the admission arrangements are not contrary to the mandatory provisions in the School Admissions Code and the legislation; and/or the admission authority has not acted unreasonably in reaching its decision not to allocate a place at the school. The law defines “unreasonable” very carefully in these cases. For the decision to be “unreasonable” it must be completely illogical, or not based on the facts of the case. The facts of the case include the published admission arrangements, the number of applicants, the number of classrooms at the school, and other factors to do with the school or the admission authority. The facts of the case do not include facts particular to your child or any special reason you might have for wanting your child to go to that school unless they show, together with all the other information available the authority were unreasonable.

You are free to talk about personal factors at the appeal hearing if you want to, **but in this type of appeal the appeal panel cannot take them into account unless they are relevant to one or other of the matters they are allowed to look at.**

If your appeal succeeds, the admission authority must offer your child a place at the school. If your appeal does not succeed, you can ask the school to put your child on their waiting list (if the school has one), as places sometimes become free after the start of the school year.

Contact for further information

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