



Admission Appeals and Hearings

Infant classes

If you are not offered a place for your child at the school that you applied for, you have the right to appeal against this decision to an independent body called an Appeal Panel, comprising three members who have received training on the appeals process. You will be advised of the deadline for submitting an appeal.

In deciding if you want to appeal for a school which already has 30 pupils allocated to an Infant class, you need to be mindful that the Government has imposed a limit on infant class sizes, so that children aged 5, 6, or 7 years should be in a class of more than 30 pupils for an ordinary teaching session with a single teacher.

In considering an appeal under infant class size legislation, the Appeal Panel must first be satisfied that the governors have demonstrated that infant class size legislation applies, and that they have explained what would need to be done if an extra child were to be admitted to a school which already has 30 pupils in a class.

The law strictly limits the circumstances in which an Appeal Panel can uphold an appeal where a school place was refused because of infant class size.

In considering these appeals, an Appeal Panel can only uphold an appeal if it is satisfied that:

- a) the child would have been offered a place if the admission arrangements had been properly implemented;
- b) the child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code;
- c) the decision was not one which a reasonable admission authority would make in the circumstances of the case.

If you think that the admissions authority has made a mistake in applying the admission arrangements you can appeal under point (a). In these cases, in order to uphold an appeal, the Appeal Panel must be satisfied that, had the arrangements been properly applied, your child would have been offered a place at the school.

If the panel members decide that in their opinion the schools admission arrangements are contrary to mandatory provisions in the School Admissions Code (b), they must then consider whether the child would have been offered a place had the arrangements been lawful.

If you decide to appeal on the 'reasonableness' of the admission authority's decision (c), the Appeal Panel can only have regard to fresh information if that information would have been available at the time of the application if the admission authority had acted reasonably. In order for the Appeal Panel to determine that an admission authority's decision to refuse admission was unreasonable, it will need to be satisfied that the decision to refuse to admit was perverse in the light of the admission arrangements.

If you decide to proceed, you must request an appeal form in writing from us via email or by post from:

The Appeals Officer
Brookfield Primary Academy
Ridge Road
Sutton
SM3 9LY

Timetable for Appeals for 2019 is:

Offer Day - 16 April 2019

Deadline to lodge appeal - 15 May 2019

The school will send your appeal form to the Appeals Clerk of the Appeal Panel. You will receive written notice of the date of your appeal at least 10 school days in advance of the hearing, and you will also be sent a copy of the school's written evidence giving the reasons why it is not possible to offer your child a place at the school.

Primary school appeals must be heard within 40 school days of the appeal being lodged, or before the end of the summer term - whichever is sooner.

Appeals for late applications

Such appeals should be included with those being heard for the same admissions round. However, if this is not feasible, appeals for late applications must be heard within 30 school days of the appeal being lodged.

In-year admissions

For applications made outside of the timetabled admissions process, hearings must be held within 30 school days of the appeal being lodged.

The decision

The independent Clerk to the Appeal Panel will advise you of the outcome in writing. If you are unsuccessful you can still ask for your child's name to be kept on a waiting list. The decision of the Panel is binding - both on you and on the school - and can only be overturned by the courts.

If, after your appeal, you are concerned that it did not comply with the code or was set up incorrectly, you have the right to complain to the Education Funding Agency (when the school is an academy). The EFA, who act on behalf of the Secretary of State, cannot overturn the decision of an Appeal Panel but may decide to investigate the complaint if it considers there are sufficient grounds to do so.