

FAQs for Prejudice School Appeals 2021

My child was not offered a place at my preferred school, what can I do?

If you were not offered a place at the school that you applied for, you can join their waiting list and you also have the statutory right to appeal this decision. You can lodge an appeal by Wednesday 17th May 2021 for a school you have applied for but were not offered.

We recommend that you still accept the place that your child was offered as this will not affect your appeal and will guarantee that your child has a school place if your appeal is unsuccessful.

Why was I not offered a place at the school I applied for?

Your application was considered in accordance with the School Admissions Code and the school's published admission arrangements. Every school has a Published Admission Number (PAN). The PAN is the maximum number of pupils that they will admit to each year group.

Where a school receives more applications than their PAN, your application is considered against the schools' oversubscription criteria. If you were not offered your preferred school, this is usually because the school is full and there were other children who were closer in meeting the school's oversubscription criteria. You can find the school's oversubscription criteria at www.kent.gov.uk/admissionscriteria.

How do I lodge an appeal?

Your appeal must be made in writing/email and the form and address details are available on the school's website.

When will the appeal take place?

If you lodge your appeal before 17 May 2021, your appeal will take place before 19 July 2021. Any appeals received after 17 May 2021 will take place when reasonably possible.

Who will consider my appeal?

Your appeal will be considered by an Independent Appeal Panel. This panel will be made up of 3 people who are independent of the school, the Trust, and the Local Authority. At least one of these Panel Members will have experience in education and at least one will be a lay person. These Panel Members will make the decision on whether to uphold your appeal or not. If the panel upholds your appeal the school must offer your child a place.

There will also be a Clerk in attendance, they are independent of the school, are responsible for keeping an official record of what is discussed and give independent and impartial advice on the appeals process and admissions law to the Panel Members.

How will my appeal be heard?

Due to the exceptional circumstances relating to the COVID-19 pandemic, it is intended that your appeal will be heard remotely based on written submissions only. This decision has been made to ensure that all appeals are heard in a fair and consistent way in the event of any changes to national/regional lockdowns or restrictions and to ensure that your appeal is heard before the start of the summer break.

This means that you will not be required to attend a meeting and your appeal will be considered using the written submission(s) you have included in your appeal form. It is, therefore, very important that in your appeal form, you provide the panel with a detailed written statement that includes all the information you feel would support your case.

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.

What happens at an appeal hearing?

Firstly, the Independent Appeal Panel must decide whether your original application was assessed correctly and impartially in accordance with the school's published admission arrangements.

Next, the Independent Appeal Panel will hear both the school's and your child's case. The panel will need to ascertain whether adding an additional child to the school would prejudice the provision of efficient education and the efficient use of resources against your case of prejudice to your child in not gaining a place at their preferred school.

What information should I provide for my appeal?

Firstly, ensure that you have read the generic defence statement provided by the school which sets out the reasons the school are unable to admit any additional children.

When you complete your appeal form, it is important that you clearly set out the reasons why your child should have a place at your preferred school. As your appeal will be conducted as a paper-based exercise only, panel members will not have the opportunity to ask you any further 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. This can include;

- Have you visited or had a virtual tour of the school?
- What did you like about the school?
- When you considered other schools what was it about **this** school that makes you believe it is the right school for your child?
- What can the school you want provide for your child that the offered school cannot?
- How will you get your child to the school you have currently been offered?
- What is the journey like to the school you have currently been offered?
- Are there any health/equality act considerations?
- What issues may you and your family face if your child does not get a place at the school?
- What support do you have locally?
- What alternative arrangements will you make if the appeal is not successful?

You can also appeal if you believe that the admissions authority did not apply their admission arrangements correctly and this resulted in your child not being offered 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 correctly.

Can I provide information about my child's or my health or medical needs?

Yes, if you believe that your child's or your health or medical needs are relevant to your case you can include this in your appeal. However, please be aware that in order for this to have been considered against the school's oversubscription criteria, this information must have been submitted to the school at the time of making your application.

Can I provide additional evidence after I have already submitted my appeal?

Ideally, you should provide all of your evidence at the time that you submit your appeal. However, you are able to add additional information and/or evidence to your appeal at a later stage providing it is at least 5 calendar days before the date of the appeal hearing. After this point no further information can be added, as the Panel Members will not have sufficient time to consider this as part of your case.

You will be provided with a copy of all of the case documents including your appeal form, the schools individual defence statement and any other relevant information at least 10 calendar days in advance of the appeal date. All paperwork will be issued to you electronically and further instructions will be issued to you nearer the time.

What information will the panel need from the school?

Here are some key questions and answers that the Panel would normally ask the school in relation to the school 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? **0**
- How do the school organise the classes? **12 classes of 32**
- 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? **No**
- How do you measure the home/school distance and how do you ensure it is correct?

The distances are calculated by Kent County Council, whose measuring software uses address point data provided by the National Land and Property Gazetteer (NLPG) which is updated annually. The address point reference we have for your property is taken as one end of a straight line, with the address point reference for the school as the other end. The same address point on the school site is used for everybody. When the distance criterion for an oversubscribed school is applied, these measurements are used to determine how close each applicant's address is to the school.

- 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?

The Published Admissions Number for Amherst School is 96 and classes are arranged with 32 children in each room which is the net capacity, without having a negative effect on health and safety issues and on delivering the curriculum.

Increasing numbers above the PAN will impinge further upon resources both human and material and will provide less time for individual contact and support from the teacher for all children. This will adversely affect the curriculum that is delivered. It would mean that teaching would increasingly become directed to the class as a whole without the teacher being able to monitor adequately, assess and ultimately differentiate the curriculum for individual needs.

Large class sizes negatively affect the education of children and to admit any additional children into this year group would be detrimental to the children already there and would be prejudicial to their education.

- What strategies are you able to put in place to reduce the impact (if any)? **None**

How will the panel make a decision?

After an appeal has been heard the panel will make a decision to either uphold or not uphold your appeal. The panel will need to ascertain whether adding an additional child to the school would prejudice the provision of efficient education and the efficient use of resources against your case of prejudice to your child in not gaining a place at their preferred school.

When will I be informed of the outcome?

The Clerk will normally notify you of the outcome within 7 calendar days. 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 Independent Appeal Panel is binding to both the school and the parents 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 your child will not be offered a place at the school.

If my appeal is unsuccessful, what else can I do?

If you haven't already, we recommend that you add your child's name to the school's waiting list, even if 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 31st 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 is your responsibility to secure suitable education for your child and you may want to apply to an alternative school. If your child is without a school place, contact the In Year Admissions Team at KentInYearAdmissions@kent.gov.uk or your Local Authorities Admission Team who will be able to advise and inform you of other available places in your local area.

If my appeal is unsuccessful, can I appeal again?

You can only appeal to the same school once per academic year.