



St. James' Church of England Academy Diocese of Winchester

APPEALS AGAINST ADMISSIONS DECISIONS FOR INFANT CLASSES WHERE THE CLASS SIZE IS LIMITED TO A MAXIMUM OF 30 BY GOVERNMENT LEGISLATION

INTRODUCTION

1. St. James' Academy governing body is the Admission Authority for the School. It works in conjunction with Bournemouth Local Authority. Parents/guardians have the right to express a preference for the school they wish their child to attend. This may include St. James' C of E Academy and other Local Authority schools.
2. Parents/guardians can indicate preferences for more than one school and place them in an order of priority, if they so wish. Where parents express a number of preferences in priority order, it is Bournemouth Local Authority's policy to try to offer to parents not granted their first preference, an alternative which is acceptable.

St. James' Academy and Bournemouth Local Authority are not required to admit a child to an infant class where to do so would conflict with the requirement to comply with the infant class size limit. An admission authority can refuse to admit a child to a school where to do so would require the school to take 'qualifying measures', such as employing an extra teacher or building an extra classroom to enable the school to meet the statutory class size limit.

If you are dissatisfied with the Admission Authority's final decision as to which school your child is to attend, then you can ask for your child to be placed on the waiting list for our school and/or appeal against the decision to an Independent Appeal Panel.

The Appeal panel can only allow a "class size" appeal where it is satisfied that your child's application was shown to be:

1. Refused in error – that is your child would have been offered a place if the published admission arrangements had been properly implemented

and/or

2. Unlawful refusal – that is your child would have been offered a place if the 'admission arrangements' had not been contrary to the mandatory provisions of the Schools Admissions Code – here the appeal panel will look at the schools' procedures, practices, admission criteria and supplementary information available when it decided on allocating it's places.

3. Unreasonable refusal – that is the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of your case.

‘Reasonable’, in this situation, means the legal meaning of the word known as ‘*Wednesbury reasonable*’, which refers to a court case of that name. It is important to understand that this means the decision was one which no other authority would ever have made – in other words, it was totally irrational.

In relation to (2) above it is not enough to prove that there was a mistake in implementing the school’s admission arrangements. In order to allow your appeal the Appeal Panel must also be satisfied that, if the arrangements had been carried out properly, your child would have been admitted to the school.

HOW TO APPEAL AGAINST AN ADMISSIONS DECISION

When the Admission Authority’s final allocation of school places is decided, you are told why a place at your preferred school cannot be offered, and are normally given at least 14 days in which to lodge an appeal. An appeal form is provided to help you make an appeal. If you wish to appeal, you should complete the attached form and send it to Mrs Debbie Gibson, Admissions Officer, St. James’ Church of England Academy, Pokesdown Hill, Christchurch Road, Bournemouth. BH7 6DW or email it to stjamesce@bournemouth.gov.uk by the deadline date. The appeal form gives you the chance to state the reasons why you wish to appeal against the decision of the admission Authority.

If you wish to provide any documents to support your case, copies should be attached to the appeal form before sending it to the school. If these documents are not available at the time, copies must be provided to the Clerk to the Panel by the date provided in the notification letter sent out by the Clerk to the Appeal Panel. If they are not, the hearing may be deferred.

Copies of your appeal form and any other documents will be made available to the Appeal Panel members and to the Officer who will be presenting the Admission Authority’s case at the appeal hearing.

Bournemouth Democratic Services will arrange for your appeal to be considered by an Appeal Panel. The timetable for admission appeals is printed below:

ACTION	DEADLINE
Local Authority to publish appeals timetable to include:	Please see separate Appeals timetable.
For a parent to submit an Appeal.	At least 20 school days from the parent receiving notice of the refusal of a place at a school.
Notice of the Appeal Hearing.	At least 10 school days before the hearing.
Appellants (usually the parents) to submit evidence.	Reasonable deadlines must be set.
Admission Authority (the school) to submit their evidence.	10 school days before the Appeal hearing

The Clerk (the person organising the appeal) sends Appeal papers to the parents, the panel and the school.	
Additional Evidence from the Appellants. (Sometimes the Appellants wish to provide additional information after seeing all the papers.)	5 school days before the Appeal Hearing
Decision letters sent to the Appellants. (The letter that informs the Appellant if their Appeal has been Upheld or Refused.)	Within 5 school days of the hearing (whenever possible)
For applications made in the Normal Admissions Round Appeals must be heard	Within 40 school days of the deadline for lodging appeals. (see a. above)
For In Year and Late Applications (those that came in after the deadline and have not been decided by the offer date) Appeals must be heard	Within 30 school days of the Appeal being lodged.

The Clerk to the Appeal Panel can advise you on the arrangements for the hearings.

You will receive a statement from the Admission Authority setting out their case. This will include:

- how the admissions policy has been applied
- the reasons for the decision concerning your child
- copies of any information or documents which are to be made available at the hearing.

You will be able to appear before the Appeal Panel and make your case, if you wish. You are encouraged to attend wherever possible. An Appeal Panel may also allow you to be accompanied or represented by a friend or otherwise. You may call witnesses. You should notify the Clerk to the Appeal Panel if you are to be accompanied by anyone or if you wish to call witnesses.

If you do not attend, your appeal will be heard in your absence on the basis of the available documentation as long as:

- you have given notice of your intention not to attend, but you allow the appeal to proceed without you or
- you do not attend and there are no reasonable grounds for adjourning the hearing to another date.

HOW APPEAL PANELS REACH A DECISION

In considering an appeal, the Appeal Panel will take account of:

- Whether the admission of an additional child/additional children would breach the infant class size limit
- Whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998
- Whether the admission arrangements were correctly and impartially applied in the case(s) in question; and
- Whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case

An Admissions Authority is legally entitled to refuse admission to a school where to do so would conflict with the requirement to comply with the infant class size limit.

An Appeal Panel will therefore only be able to uphold an appeal if it concludes that the decision to refuse admission was not one which a reasonable admissions authority would make in the circumstances or, the child would have been offered a place if the admission arrangements had been properly implemented.

DECISIONS OF APPEAL PANELS

The Clerk to the Appeal Panel will record the decision and will be responsible for telling you and Bournemouth Local Authority the decision and the grounds on which it is made, in writing. You will receive a decision letter within five school days of the hearing wherever possible.

The decision of an Appeal Panel will be binding on the school. If the decision of an Appeal Panel is not to allow your appeal, the school may later consider your child for a place in should a vacancy subsequently occur.

If you are dissatisfied with the decision of an Appeal Panel you do not have the right to appeal based on the same facts. However, the Admissions Authority may allow parents/guardians a further appeal if satisfied that there are significant and material changes in your circumstances and / or that of your child.

You should write to Fiona Allen at the School for the attention of the school governors and a decision will then be taken as to whether grounds for a further appeal exist.

We hope that you feel the Admission Authority has acted properly in relation to your appeal. If you do have any cause for complaint or concern, you may use the School's Complaints Procedure to address this. If you consider that you have suffered an injustice because of maladministration you can make a complaint to the Local Commissioner for Administration (Local Government Ombudsman). Maladministration refers to the way in which something has been handled – e.g. unjustifiable delay, procedural error, incompetence, neglect or prejudice – and not to the actual merits of the decision.

The Secretary of State cannot review or overturn an appeal decision relating to a maintained school. An appeal panel's decision can only be overturned by the courts where the appellant or admission authority is successful in applying for a judicial review of that decision.

However under Sections 496, 497 and 497A of the Education Act 1996 and under an Academy's funding agreement, the Secretary of State may consider whether:

The panel was correctly constituted by the admission authority; and

The admission authority has acted reasonably in exercising functions in respect of the appeals process or failed to discharge a duty in relation to that process.

If you need any further information on admissions appeals, do not hesitate to contact either Mrs Debbie Gibson at the school on 01202 426696 or the appeals officer at the Town Hall on 01202 451163.