

# Wandsworth Independent School Appeals Service

## School Admission Appeals Guidance Notes for Parents/Carers

**Please read the information below, as this will assist you in deciding whether to pursue an appeal, and if you do, what the processes are and what to expect.**

You have the right to appeal for a place at any school of the schools you listed as a preference on your application.

If your appeal is valid, you'll be invited to a hearing where a Panel of three independent, trained volunteers will review the school's admissions policy and how your child's application was processed. The Panel will also consider what you feel that your preferred school can provide which no other schools can. The school representative will explain why they could not offer your child a place and set out the difficulties that they consider admitting an additional child would cause.

After the hearing the Panel will balance the benefit to your child were they to attend your preferred school, against the harm that would be caused to the provision of education at the school if it were to go over its published admission number or admissions limit for the class.

If the Panel considers that the benefit to your child outweighs the harm to the school, it has the power to direct the school to offer your child a place.

### **Before lodging an appeal**

It is important that you carefully read the school's admissions criteria, as each school will have their own policy, which will vary from other schools. Admissions policies for Wandsworth schools can be found via: [wandsworth.gov.uk/schools-and-admissions/admissions/](https://www.wandsworth.gov.uk/schools-and-admissions/admissions/). Elements to be aware of in admissions policies include:

- not all schools have a medical and social criterion;
- some secondary schools for Year 7 entry use admissions tests and banding;
- faith schools may require a Supplementary Information Form (SIF) to receive details of religious observance;
- other schools may require a SIF for other purposes;
- some schools have a priority area;
- the definition of a sibling connection may vary.

For initial entry to primary school (Reception), junior school (Year 3) and secondary school (Year 7), it is important to find out how offers were made on National Offer Day, as they may show why an offer could not be made for your child at the school and based on the criterion and home to school distance the application was assigned. For in-year appeals, the most usual reason why an offer was not made, is because the school's year group is full.

### **What schools can I appeal for?**

You can appeal for any school you listed on your child's Common Application Form or In-year Application Form. You will not be able to appeal for a place at a school that you have not yet applied for.

Wandsworth Appeals Service handles appeal hearings for some Wandsworth schools. A list of those schools can be viewed on: [wandsworth.gov.uk/schools-and-admissions/admissions/school-admissions-appeals/](https://www.wandsworth.gov.uk/schools-and-admissions/admissions/school-admissions-appeals/)

If you cannot see the name of the school you want to appeal for on the webpage linked above, you need to contact the school directly and ask them how to appeal.

You can appeal for a place in any school year including sixth form.

**How do I make an appeal through the Wandsworth Appeals Service?**

You can complete your Appeal Request Form using the School Admission Appeal Portal on: [schoolappeals.wandsworth.gov.uk/home](https://schoolappeals.wandsworth.gov.uk/home).

If you require a paper form, please call 020 8871 7554 or email the Wandsworth Appeals Service via [educationappeals@wandsworth.gov.uk](mailto:educationappeals@wandsworth.gov.uk) and we can send one to you.

**Can I appeal for a place for more than one school?**

Yes; you can appeal for any school you applied for. You must complete a separate appeal form for each school and will be invited to attend a separate hearing for each school you appeal for. The status of your appeal for one school will not be affected by the appeal status of your appeal for another.

**Are there any deadlines for appeals?**

You can find the timetable for appealing for a place to start in infant/primary, junior, or secondary school here: [wandsworth.gov.uk/schools-and-admissions/admissions/school-admissions-appeals-timetable/](https://wandsworth.gov.uk/schools-and-admissions/admissions/school-admissions-appeals-timetable/)

You can also appeal at any point in the school year for your child to transfer schools. In-year appeals will be heard within 30 school days of an Appeal Request Form being submitted. If you appeal in July, close to the end of the school year your appeal may not be heard until the next school year begins in September.

**How will appeals be held?**

Appeal hearings are held as online video conferences using Microsoft Teams.

**When will I get a date for my appeal?**

You will be given at least ten school days' notice of the date of the hearing.

About a week before the hearing, you will be sent the appeals pack via the School Admission Appeal Portal. This will contain a statement setting out the reasons why the school could not offer your child a place, a copy of your Appeal Request Form and any supporting evidence you have submitted.

**What documentation should I provide?**

You may wish to support your case with a letter from a doctor, social worker, or other medical/care professionals, stating why your child's needs would be best met in the school you are appealing for. Please note that any information or evidence not submitted by the deadline might not be considered by the Panel at the hearing. Wandsworth Appeals Service cannot contact your doctor etc. or other individual; it is your responsibility to obtain any supporting evidence and provide it in time.

Please ensure all items are clear enough to be easily read and duplicated.

**What is the deadline for evidence to be submitted?**

Please ensure you have provided Wandsworth Independent Appeals Service with your supporting information documents as soon as possible to be included in your appeals pack. The final deadline for documents is three working days before your appeal. If you provide additional information after that deadline, or bring new evidence to the appeal hearing, there is the possibility that it may not be permitted for consideration. The Panel will decide whether it can accept it by taking into account its significance and the effect of a possible need to adjourn, postpone or delay the appeal.

**Who will be at the appeal?**

*Appellant.* This is you, as the parent/carer of your child. You can bring along a friend or family members to accompany you or state the case for you in the hearing. If you are unable to attend the hearing, the appeal will still be heard in your absence, using the written information you have provided.

*Clerk.* The clerk is a member of the Wandsworth Independent Appeals Service who will take notes and provide any procedural advice. The clerk will send you a letter after the hearing to tell you the outcome of your appeal.

*Panel.* There will be three trained people on each panel. The Panel Members are independent of the Council, yourself and the school(s) for which you are appealing for. There has to be at least one Panel Member who is 'lay' and one 'education'. The latter will be someone with 'experience in education, who is acquainted with educational conditions in the local authority area, or is a parent of registered pupils at school.'

The Panel will be headed by a Chair. It is only the three Panel Members who will make a decision regarding the appeal.

*Admission authority representatives.* The admission authority is the group of people who apply the school's admissions policy and rank each application accordingly. For academies, it is usually its academy trust. For voluntary-aided (usually religious) schools, the admission authority will be the school's Governing Body. For community schools, it will be the Local Authority (LA) which will undertake this role.

*Observers.* An observer will a trainee Panel Member.

*Interpreter.* An interpreter will be present if requested to assist in translating the appeal proceedings.

**Can I bring along someone to help me in an appeal?**

Yes. There should be one lead speaker presenting the parent/carer's side and Wandsworth Independent Appeals Service asks that only one additional support person joins the hearing who is not a parent or primary carer. This is to try to ensure that the hearing is contained within its allotted time, as overrunning can impact negatively on other hearings. If further input is needed, a support person can write a letter that you can attach to the appeal form for the Panel's consideration. Please include details of the support person in the appeal form, for them to be sent the Microsoft Teams links, but you will need to share the appeal paperwork with them directly. We advise that children do not attend the appeals, as it can be difficult for them to understand whilst personal information will be discussed.

**Actions to take before an appeal**

Please ensure that you have:

- Carefully read the appeal pack and letter uploaded to the School Admission Appeal Portal. The pack will contain the school's admissions criteria, how your child's application was processed

and why no offer was able to be made, as well as information about why the school cannot admit another child (prejudice case). The pack will also contain a copy of your appeal form and any supporting documentation you have provided for the hearing.

- Received the email with the MS Teams links for the hearing, sent about two days before the hearing.

If you have not received these items in time, you must contact Wandsworth Independent Appeals Service.

**What happens in an appeal?**

In accordance with the School Admission Appeals Code 2022, appeals must be heard in the following order:

- case for the admission authority;
- questioning by appellant(s) and Panel;
- case for the appellant(s);
- questioning by the admission authority and Panel;
- summing up by the admission authority;
- summing up by the appellant(s).

The order above may be split if a grouped hearing is convened.

Group hearing – only used when there is a group of appeals to be heard for the same school and year group

During the grouped hearing, the admission authority representative will present the school’s case, and you will be able to ask them questions about the admissions process and how the admissions criteria were applied in general. The Panel will also ask questions. Other parents/carers appealing for a place at the school will be present at this part.

Individual hearing

During the individual hearing, you will be able to present your individual case and the personal reasons you want your child to attend the school. The Panel and admission authority will ask you questions. All the information you provide to the Panel will be treated as confidential. No other parents/carers will be present at this part.

The Panel’s decision is made afterwards, with only the Panel Members and clerk present.

Individual hearings are scheduled for 60 minutes, unless they follow a grouped hearing, in which case they are scheduled for 40 minutes. The length of time allocated for a grouped hearing may vary depending on the type of school and how many attendees will be present.

**How does the Appeal Panel make its decision?**

Panel decisions are made by a majority vote of the Panel Members. When making its decision the Panel must follow the law when considering an appeal and the decision-making process the Panel must use is set out in the School Admission Appeals Code. The same process must be used by all Appeals Panels across the country.

There are two different types of admission appeals: “Two-stage” appeals and “Infant class size” appeals, further information is set out below.

“Two-stage” appeals

(ALL appeals for Year 3 upwards and some appeals for Reception, Years 1 & 2)

The Appeal Panel when hearing these appeals must follow a two-stage decision making process set out below.

*Stage One – Examining the decision to refuse admission*

The Panel will be looking at four main questions/points:

- A. 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.
- B. Whether the school's admission arrangements were correctly and impartially applied in your individual case and, if not, whether your child would have been offered a place if they had been properly implemented.
- C. Whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources.

*Stage Two – Balancing the arguments*

At Stage two of the process the Panel will consider what you and the Admissions Authority said in the appeal and details in any documents both sides provided, to ensure that the Panel:

- D. Exercised its discretion to balance the degree of prejudice to the school against the arguments you put forward in support of your child's admission.

A Panel at this stage can consider all the reasons you put forward and decide that although they have found the school to be full a child's case is so compelling that it is more important to admit that child than prevent the effects of prejudice to the school as a result of having one more child.

**Appeals for infants**

There is a legal limit of 30 pupils per teacher for Reception, Year 1 and Year 2 classes. This means that there is a very high bar for an appeal to be successful for infant class size appeals.

The Panel can only review the decision of the admission authority to refuse a place. A Panel will only uphold the appeal where it finds that the admission of an additional child would not breach the infant class size limit. Otherwise, the Panel can only direct a school to admit more than 30 pupils in Key Stage 1 if they believe that your child was denied a place because of a mistake made by the Admissions Authority or if the decision to not admit your child was 'perverse'. 'Perverse' in this case means in the legal sense, being: 'beyond the range of responses open to a reasonable decision maker' or 'a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it.'

The Department for Education states that 'The threshold for finding that an admission authority's decision to refuse admission was unreasonable is high'. It provides the following examples of infant class size appeal cases:

- A decision that makes it impossible for you to transport all your children to school on time is unlikely to be considered perverse.
- A decision to refuse a place for a child whose family had to relocate under a witness protection scheme might be considered perverse.

**What makes a successful appeal?**

Each appeal is viewed on its own merits, so there is no specific formula for success. It is important that you have read the school's admissions criteria and how it relates to your child's application, e.g. its criterion and home to school distance. If you believe that there has been any maladministration, you should explain this in your appeal.

Ensure that you say all that you want in the hearing and include why you want a place at the school for your child, and what it can offer that others in the area cannot. It is important that you clearly set out the reasons why your child should have a place at your choice of school. Do not base your

appeal mainly on why you do not want your child to attend a lower preference or allocated school, as the Panel can only look at the details around the school you are appealing for. The stronger your reasons and the more compelling the supporting evidence the better chance you have of your appeal being successful. For example, wanting your child to go to a particular school because it is the best in the area and their friends attend is not likely to convince the Panel that your child should get a place at the school.

Please note that the chances of success with an infant class size appeal are minimal due to the limited grounds which a Panel can consider. The Department for Education advises that in relation to the high threshold for infant class size appeals, ‘It’s important that parents recognise this before investing what can be a significant amount of time and effort in an infant class size appeal’.

Further advice from the Department for Education can be said to apply to all appeals, not just infant class size appeals, ‘Before you make your decision to appeal you should think carefully about your reasons for appeal and be realistic about the likely outcome.’

The Independent Appeals Service is unable to comment on the likelihood of success in specific cases. However, set out below are the figures for the number of successful appeals in the last few years:

|                           | 2022-23                 |                    | 2023-24                 |                    | 2024-25                 |                    |
|---------------------------|-------------------------|--------------------|-------------------------|--------------------|-------------------------|--------------------|
| Type of appeal            | Total no. appeals heard | Successful appeals | Total no. appeals heard | Successful appeals | Total no. appeals heard | Successful appeals |
| Two Stage appeals         | 71                      | 7                  | 60                      | 7                  | 108                     | 4                  |
| Infant class size appeals | 21                      | 2                  | 29                      | 3                  | 40                      | 1                  |

Data for appeals heard between 1 September and 31 August each year. Includes appeals the Wandsworth Independent Appeals Service handles for schools in neighbouring boroughs.

**Do schools keep places available for children whose parents are appealing?**

No. The number of successful appeals varies from year to year and each case is decided on its own merits. General information about the number of appeals heard and successful in recent years is published in the Wandsworth Starting School booklets via [wandsworth.gov.uk/schools-and-admissions/admissions/](https://www.wandsworth.gov.uk/schools-and-admissions/admissions/)

**When will I find out the outcome of the appeal?**

If your appeal was lodged online, the appeal outcome of whether the Panel decided that your appeal was successful or unsuccessful will be recorded in the School Admission Appeal Portal the following working day after the decision is made. You will receive an email to inform you when the outcome has been uploaded, as you will need to log into your account to view it. A letter setting out the full reasons for the Panel’s decision will be uploaded on the Portal within five school days from the date of your appeal (or the date of the last appeal for those for the same school when we have multiple appeals). If you submitted a paper appeal form, Wandsworth Independent Appeals Service will inform you of the notification processes in the hearing.

**Can I withdraw my appeal?**

You may wish to withdraw your appeal because your child has been offered a place at the school, another school you are happy with, or if you no longer wish to continue with your appeal for any other reason.

You can withdraw your application by logging on to the School Admission Appeal Portal. You will receive an email acknowledging the withdrawal. If you submitted your appeal using a paper form and wish to withdraw your appeal, please telephone the Wandsworth Independent Appeals Service on 020 8871 7554.

**What are the next steps after an appeal?**

If your appeal is unsuccessful, there is no further right of appeal.

If you are not happy with the way the appeal was conducted, you can refer the matter onwards. Details about that will be included in the appeal outcome letter.

You may only appeal for a place at each school once in every academic year, unless the admission authority agrees that your child's circumstances have changed significantly.

**More questions about appeals?**

If you have any questions about the appeals procedure, please contact the Wandsworth Independent Appeals Service by calling 020 8871 7554 or email: [educationappeals@wandsworth.gov.uk](mailto:educationappeals@wandsworth.gov.uk)

**Questions about admissions and/or your child's application?**

A breakdown of how the places were allocated at each Wandsworth school for the following academic year, will be available via: [wandsworth.gov.uk/schools-and-admissions/admissions/](http://wandsworth.gov.uk/schools-and-admissions/admissions/) soon after the National Offer Days. Reception, Year 3 for junior transfer and Year 7 (secondary transfer) waiting list places will be available via this site too.

Wandsworth Pupil Services can provide information about:

- In-year waiting lists;
- the year 6 Wandsworth Test (for entry to Year 7);
- your original application for a school place;
- schools with places in the borough.

Wandsworth Pupil Services can be contacted on 020 8871 7316 or email: [admissions@wandsworth.gov.uk](mailto:admissions@wandsworth.gov.uk)

**Where can I find out more information?**

The School Admission Appeals Code allows the Appeals Service or the Clerk to give independent advice regarding the appeal process. However, they cannot give parents/carers specific advice about your appeal.

The legislation listed above is available for the public to view via the internet. It is also worth looking at the admissions policy for the school you are appealing for via [wandsworth.gov.uk/schools-and-admissions/admissions/](http://wandsworth.gov.uk/schools-and-admissions/admissions/)

There are independent agencies who can provide appeals advice, such as the Coram Children's Legal Centre, which offers free legal advice on education law. Coram provides online access to legal factsheets and a telephone advice service on 0300 330 5485 (8am to 6pm Monday to Friday) or at [childlawadvice.org.uk](http://childlawadvice.org.uk)