

**CASUAL (IN-YEAR) CASUAL ADMISSIONS**

# **NEXT STEPS FOR PARENTS/CARERS**

**Important information on:**

- **ACCEPTING/REFUSING THE SCHOOL PLACE OFFERED**
- **SCHOOL ADMISSION APPEALS**

**Please read this information to assist you in making your decisions about the next steps to take.**

If, after reading the following information, you have any questions regarding these processes please contact Medway Council Student Services-Operations Team on the details below:

**Medway Council**  
**Gun Wharf, Dock Road**  
**Chatham, ME4 4TR**

**e-mail: [casualadmissions@medway.gov.uk](mailto:casualadmissions@medway.gov.uk)**

**Tel: 01634 331155, Fax: 01634 331614**

**Admissions WebPages: [www.medway.gov.uk/admissions](http://www.medway.gov.uk/admissions)**

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<b>Section</b>	<b>Page</b>
Accepting/refusing the school place offered	3
Admission Appeals	3 - 12

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## **ACCEPTING/REFUSING THE SCHOOL PLACE OFFERED**

### **Do I have to accept/refuse the school place?**

- Yes, it is vitally important that all school places offered are either accepted or refused directly with the relevant school/academy. This is so that they are completely aware of which children have accepted places and will be starting with them and to enable them to make the necessary arrangements of a start date.

### **What happens if I refuse the place offered?**

- Once a place has been refused, it will be removed from your child's record and become available to be offered to another child.

### **If I refuse the place and then change my mind, can my child have the original place back?**

- No, once a place has been refused it is immediately removed and your child will not have an automatic claim on it in the future. If you do want your child considered again for the original school, then you must formally request to be re-considered for that school/academy by completing another application form.

### **What happens if I do not accept or refuse the place offered?**

- If the school/academy offered does not receive an acceptance or refusal from you within the 20 school day deadline, they should contact you to try and get a response. If they are unable to do so, they will advise Medway Council Student Services-Operations Team.

It is important to note that if no acceptance or refusal is received within the timescales stated by Medway Council (20 school days), the place will be withdrawn from your child and the Attendance Advisory Team informed.

## **SCHOOL ADMISSION APPEALS**

This section is to provide parents/carers with general information regarding the admissions appeals process.

The School Admission Appeals Code provides more detail on how the appeal process should be administered and what parents/carers can expect from the appeal process. This can be found on the Department for Education (DfE) website ([www.education.gov.uk](http://www.education.gov.uk)).

**Please note that a number of Medway schools and academies are their own admissions authorities and therefore Medway Council is not responsible for, nor has any involvement, in the administration of the appeals process for these individual Medway schools/academies. A full list is provided at the end of this leaflet.**

## Why was my child refused a particular school?

- The Council has a duty to ensure that all Medway parent/carers receive a single offer of a school place. Wherever possible, this will be the highest named school/academy on your application that is able to offer a place.
- If we have been unable to offer a place at any of the schools/academies you named, you are Medway resident and your child is not on the roll of any Medway school, we will have allocated a place at the nearest appropriate school/academy with a vacancy.
- Your child will have been considered against the highest possible criteria applicable to them for each school/academy named on your application. The details of the oversubscription criteria for each Medway primary, infant and junior school/academy can be found in the Medway 'Admission to Primary School' booklet, on the Medway website ([www.medway.gov.uk/admissions](http://www.medway.gov.uk/admissions)) or the individual school/academy website.
- The Council has a duty to comply with parental preference wherever possible, unless there were more preferences for the school than there were places available. Places are offered to children in accordance with the school's oversubscription criteria, which means the children offered a place had a higher eligibility than your child when considered against the oversubscription criteria and the school was already full to its published admission number when your child's application was considered.
- Or if the school(s) that has/have refused your child a place have a published admissions number which is a multiple of 30 then the most likely reason your child could not be offered a place is on the basis of Infant class size legislation (please see below for more details).
- If the school(s) that has/have refused your child a place have a Published Admission Number which is a multiple of 30 then the most likely reason your child could not be offered a place is on the basis of Infant class size legislation (please see below for more detail).
- If you wish to have further detail on the specific reasons for the refusal of a place for your child, so that you can prepare your appeal submission accordingly, please contact Student Services - Operations Team on [casualadmissions@medway.gov.uk](mailto:casualadmissions@medway.gov.uk) or 01634 331155.

## Which schools or academies can I appeal for?

- You have a right of appeal to any school/academy named on your application form that has refused your child a place. **You cannot appeal for a school that was not named on your application and you will only be entitled to appeal for the named school once per academic year.**

## How many schools can I appeal for?

- You can lodge appeals for more than one school as long as you have named each school/academy on your application. You will need to complete a separate appeal form for each school/academy. The appeals for each school are completely independent of each other.

## **Can I appeal for a school I did not originally name on my application?**

- No. You will have to reapply for more schools, and will have the right of appeal to those schools if a place cannot be offered.

## **Can I provide more information once I have submitted my appeal form?**

- When receiving notification of the date of your appeal hearing, you should also receive a deadline date for the submission of any further evidence that was not supplied with your initial appeal request.

It will be for the appeal panel to decide whether or not to accept any information or evidence provided after the deadline date and you should be aware that it is possible that such material may not be considered or may result in your appeal hearing being adjourned.

## **Can someone represent or support me at the actual appeal hearing?**

- If you wish you may be accompanied or represented by a friend, interpreter or signer who may speak on your behalf. You must ensure that your friend/representative does not have any conflict of interest with the Council or the school being appealed for. The majority of parent/carers choose to represent themselves.

Your child's current school can provide support (either in person or in writing) if they wish to. You can discuss this with them if you feel it would be of assistance to your appeal.

**Please note:** representatives from the school/academy being appealed for are not permitted to support individual appeals for places in their school in any way. This includes attending the appeal hearing to support parents/carers or submitting letters of support, as this would create possible conflicts of interest and unfairness to other appellants.

## **Who considers my appeal?**

- Your appeal will be heard by an Independent Appeal Panel who have no connection to the school/academy. It is the panel that make the decision on whether or not to uphold your appeal and grant your child a place. Their decision is binding on the school/academy and the council.

You will be invited to attend the appeal hearing and put over the case as to why you wish your child to attend the relevant school/academy. The school/academy will also be represented to provide their reasons as to why a place cannot be offered and why they cannot admit further children.

There will be a clerk present, who ensures that the correct procedure is followed throughout and keeps a full record of proceedings.

## **What actually happens at an appeal?**

- Appeals are not heard unless the school has admitted children up to its published admission number, but an appeal panel can decide to admit further children into the school and place the school over its published admission number. The panel will also ensure that the admissions arrangements meet the legal requirements and have been correctly applied in your child's case.

## How will the appeal panel consider my appeal?

- The appeal panels will consider the appeal in one of the following ways:

### 'Prejudice' (Fullness) grounds:

This is where a school cannot be offered because it is full and the admission of further pupils would 'prejudice the provision of efficient education or the efficient use of resources'

In these circumstances, the Independent Appeal Panel will firstly consider whether the school's published admission arrangements are lawful and have been correctly applied in your child's case and also whether prejudice would arise if your child were admitted to the school. The Admissions Authority has to demonstrate this over and above the fact that the published admission number for the school has been reached.

If the Panel decides the school is full it will then consider whether your grounds for admission of your child to the school outweigh any prejudice to the school. In which case it can uphold your appeal.

### 'Infant Class Size' grounds

If a school operates Key Stage 1 (Reception, 1 and 2) classes of 30 pupils there is legislation in place that limits class sizes in Key Stage 1 so that no child aged five, six or seven is in a class of more than 30 pupils.

This is known as 'Infant Class Size Legislation'.

In these circumstances, refusal of a place will be because the admission of your child would have the effect of increasing the size of the infant class at the school to more than 30 pupils, which could involve employing another teacher or moving to mixed-age teaching with detrimental consequences to the efficient provision of education or efficient use of resources at the school.

If you wish to confirm whether the refusal of admission of your child was on 'infant class size' ground, please contact Student Services-Operations Team.

If your appeal is for a school where this applies then there are only very limited grounds on which the Appeal Panel can uphold your appeal.

**An Independent Appeal Panel can only uphold an 'infant class size' appeal where it is satisfied that:**

- (a) The admission of additional children would not breach the infant class size limit of 30; or**
- (b) The admission arrangements did not comply with admissions law or were not correctly and impartially applied and your child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or**
- (c) It decides that the decision to refuse admission was not one that a reasonable Admissions Authority would have made in the circumstances of the case.**

The legislation does state that certain children from specific categories may be admitted as exceptions to the infant class size limit set, but this is only in very exceptional circumstances.

In plain English this means that in order to have your appeal upheld and gain a place for your child, you will need to be able to demonstrate that either:

There has been an error made in the processing of your child's application

**and/or**

That the process does not comply to the requirements of the School Admissions Code

**and/or**

That the decision made to refuse your child a place is not one that a reasonable Admission Authority would make in the circumstances of the case.

When considering whether there has been an error in the processing of your child's application, the Panel will take account of the material available to the Admissions Authority at the time of the decision, or the material, which would have been available to the Admissions Authority if it had acted reasonably. The Panel should accept fresh material in order to establish the factual basis if you are claiming that the admission arrangements have not been properly implemented.

If the Panel moves on to consider whether the decision to refuse admission was 'unreasonable', again it can only review the Admissions Authority's decision in the light of the material that was available at the time when the decision was made. In exceptional circumstances, the Panel may also consider material that would have been available to the Admissions Authority if it had acted reasonably. The Panel should also consider evidence you wish to submit showing what your circumstances were at the time the decision was made in order to support any claims you wish to make that no reasonable authority would have made that decision.

The School Admission Appeals Code says that the threshold for finding that an admission authority's decision to refuse admission was not one that a reasonable authority would have made is high. The Panel need to be satisfied that the decision to refuse to admit the child was 'perverse in the light of the admission arrangements' i.e. it was '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'.

Please also be aware that, for some schools, infant class size legislation may apply in the future due to the manner in which the school organises its classes in Key Stage 1. Appeal Panels will also take this into account, where it is applicable, when considering appeals.

**The School Admission Appeals Code asks Admission Authorities to advise parents of the limited grounds for such appeals to be upheld.**

**Are there exceptions to the infant class size legislation rules?**

- Additional children may be admitted to infant classes under limited exceptional circumstances. These children will remain as an 'excepted pupil' for the time they are in YR, 1, or 2 or until the class numbers fall back to the current infant class size limit (30).

Excepted children are listed as follows:

- a) Children admitted outside the normal admissions round with statements of special educational need specifying a school;
- b) Looked after children and previously looked after children admitted outside the normal admissions round\*;
- c) Children admitted, after the initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;

- d) Children admitted after an independent appeals panel upholds an appeal;
- e) Children who move into the area outside the normal admissions rounds for whom there is no other available school within reasonable distance\*\*;
- f) Children of UK service personnel admitted outside the normal admissions round;
- g) Children whose twin or sibling form a multiple birth otherwise than as an excepted pupil;
- h) Children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school who attended some infant classes within the mainstream school.

**If you believe that your child falls under one of the permitted exceptions, please provide written evidence at the time of appeal.**

\*A previously looked after child is one who was looked after but immediately after being looked after became subject to an adoption, residence or special guardianship order.

\*\*Medway Council will consider reasonable distance on a case-by-case basis. The minimum statutory walking distances applied for home to school transport purposes, which is over two miles for children under eight years old, will be taken into account.

### **Appeal Outcomes**

- These are the outcomes of appeals for community and voluntary controlled schools for the previous four years

	<b>Total Number of Appeals</b>	<b>Appeals Not Upheld</b>	<b>Infant Class Size Appeals Upheld</b>	<b>Prejudice/Fullness Appeals Upheld</b>	<b>Withdrawn/Resolved</b>
<b>2014 - 2015</b>	270	86	2	34	148
<b>2013- 2014</b>	272	106	0	47	119
<b>2012- 2013</b>	252	87	2	34	129
<b>2011- 2012</b>	293	91	2	55	145



## Schools – Class Organisations for YR, 1 and 2 Admissions

- Medway Council have been informed that the following primary/infant schools organise their classes into group(s) of 30 (as at September 2015). All appeals for Year R, 1 and 2 will be ‘Infant Class Size Legislation’ Appeals.

All Faiths' Children's Academy	Oaklands School
All Saints CE Primary School (future-Y1 and/or Y2)	Oasis Academy Skinner Street
Allhallows Primary Academy	Parkwood Schools Federation - Infants
Balfour Infant School	Riverside Primary School
Barnsole Primary School	Saxon Way Primary School
Bligh Infant School	St Augustine of Canterbury Catholic Primary School
Brompton Westbrook Primary School	St Benedict's Catholic Primary School
Burnt Oak Primary School	St Helen's CEP School
Cedar Primary Academy	St James' CE Primary Academy
Chattenden Primary School	St John's CE Infant School
Deanwood Primary School	St Margaret's at Troy Town VC Primary School
Delce Infant school	St Margaret's Infant School
Elaine Primary Academy	St Mary's Catholic Primary School
English Martyrs RC Primary School	St Mary's Island CEA Primary School
Fairview Community Primary School	St Michael's RC Primary School
Featherby Infant School	St Thomas More Catholic Primary School
Greenvale Infant School	St Thomas of Canterbury Catholic Primary School
Hempstead Infant School	St William of Perth RC Primary School
High Halstow Primary School	Swingate Primary School
Hilltop Primary School	Temple Mill Primary School
Hoo St Werburg Primary School	Thames View Primary School
Horsted Infant School	The Academy of Cuxton Schools – Cuxton Infant
Kingfisher Primary School	The Academy of Woodlands
Lordswood School	The Gordon Schools Federation – Infants
Luton Infant School	The Hundred of Hoo Academy
Maudene Primary School	The Pilgrim School
Mierscourt Primary School	Wainscott Primary School
Napier Community Primary School	Walderslade Primary School
New Horizons Children's Academy	Wayfield Community Primary School
New Road Primary School (future-Y1 and/orY2)	

- The following schools will not be organising their students into groups of 30.

Cliffe Woods Primary School	St Peter's Infant School
Halling Primary School	Twydall Primary School
Stoke Community Primary School	

- The following schools organisation is not known as at offer day.

Byron Primary School	St Nicholas' Infant School
Warren Wood Primary Academy	

### Who do I send my appeal form to?

- This depends on the type for school being appealed for. Please look at the below tables.

For schools listed in the below table (**Community and Voluntary Controlled schools**), the completed appeal form must be returned to:

**Medway Council, Student Services-Operations Team  
Gun Wharf, Dock Road, Chatham, ME4 4TR**

School/Academy Name	
<b>Primary and Infant schools</b>	
Balfour Infant School	Barnsole Primary School
Bligh Federation - Infants	Burnt Oak Primary School
Delce Infant School	Fairview Community Primary School
Featherby Infant School	Greenvale Infant School
Halling Primary School	Hempstead Infant School
Hilltop Primary School	Horsted Infant School
Luton Infant School	Maudene School
Mierscourt Primary School	New Road Primary School
Oaklands School	Park Wood Schools Federation - Infants
Riverside Primary School	St Helen's Church of England Primary School
St Margaret's at Troy Town CE Primary School	St Margaret's Infant School
St Nicholas CEVC Infant School	St Peter's Infant School
Swingate Primary School	Thames View Primary School
Wainscott Primary School	
<b>Junior schools</b>	
Bligh Federation -Juniors	Featherby Junior School
Hempstead Junior School	Horsted Junior School
Luton Junior School	Park Wood Schools Federation - Junior

For all other Medway schools and academies (**Academies, Foundation and Voluntary Aided schools**), please return the completed appeal form to:

**The Clerk to the Independent Appeal Panel c/o (the school)**

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## Appeals Process Summary

- To help you to decide whether or not to pursue an appeal, please use the process chart below:

