Introduction

If your child has been refused a place at your preferred school(s) by the Admissions Authority, you have the right to appeal against the Admission Authority’s decision. The appeal arrangements are made in accordance with the appropriate legislation and the School Admission Appeals Code of Practice. This factsheet covers arrangements for parents wishing to appeal against admissions decisions.

Children who have been permanently excluded from two or more schools do not have the right of appeal.

The purpose of an appeal is to:

- Provide an independent and impartial hearing, which is clear and consistent for all appellants. The appeals panel is impartial from any admissions authority so both parties can be confident that they will be given a fair hearing;
- The appeals panel will:
  - Review how the application for admission was considered originally.
  - Allow both the appellant and the relevant admission authority the opportunity to present their respective cases before they make a decision.

The decision of the panel is legally binding on all parties.

Admission Authorities for Sefton Schools

The table on page 2 sets out who is the Admissions Authority for each type of school within Sefton, and indicates who is responsible for arranging an Admission Appeal hearing against the refusal of a school place.
### Admission Authorities for Sefton Schools

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**Please note:**

**St Michaels Church of England High School** (Academy) – For Year 7 entry into the school in September 2019, the School will administer the appeals for pupils transferring from Primary School. The Appeal should be made in writing and sent to the Chair of Governors c/o the school.

For In Year admission and School Transfer appeals for all other year groups (and Year 7 once the academic year has begun), the Local Authority will administer the appeals. You should submit your appeal using the Local Authority Appeal form and send it to Sefton School Admissions Team, Town Hall, Oriel Road, Bootle, L20 7AE. Email: admissions@sefton.gov.uk

**St Andrews CE Primary School** (Academy) – Sefton Local Authority administers appeals on behalf of this school. You should submit your appeal using the Local Authority Appeal form and send it to Sefton School Admissions Team, Town Hall, Oriel Road, Bootle, L20 7AE. Email: admissions@sefton.gov.uk

**Chesterfield High School** – any appeal should be submitted to the Local Authority, however, upon receipt the appeal will be forwarded to the school who will then make the necessary arrangements for the appeal to be heard.
Voluntary Aided Catholic Schools are responsible for their own admissions decisions and appeals.

In order to appeal against a refusal to admit for a Catholic School, you must submit your appeal via Liverpool Archdiocese, Schools Department. You can do this by completing an appeal form online at: www.liverpoolcatholic.org.uk/schools/Appealing-For-A-School-Place. Contact details for the Archdiocese are also shown on page 9 of this factsheet.

In respect of Maricourt Catholic High School only arrangements for you to appeal can be made by writing to the school directly: Maricourt Catholic High School, Hall Lane, Maghull, Liverpool L31 3DZ; email: hunterm@maricourt.net.

Voluntary Aided Church of England Schools are responsible for their own admissions decisions and appeals.

In order to appeal for these schools you should write to the Chair of Governors at the individual schools address.

Community Schools and Voluntary Controlled Church Of England Schools - Sefton Local Authority is responsible for their admissions decisions and appeals.

Sefton Local Authority administers appeals on behalf of these schools. You should submit your appeal using the Local Authority Appeals form to Sefton School Admissions Team, Town Hall, Oriel Road, Bootle, L20 7AE. Email: admissions@sefton.gov.uk

Academy High Schools

Sefton Local Authority administers appeals on behalf of these schools. You should submit your appeal using the Local Authority Appeals form to Sefton School Admissions Team, Town Hall, Oriel Road, Bootle, L20 7AE. Email: admissions@sefton.gov.uk

Academy Church of England Primary Schools are responsible for their own admissions decisions and appeals (except for St Andrews Maghull CE Primary)

Requests for an appeal should be made by writing to the Chair of Governors at the school concerned.
Infant Class Size Appeals

Government legislation requires that any Reception, Year 1 or Year 2 class should not accommodate more than 30 pupils with a single qualified school teacher. The Authority will refuse admission to any child, if admitting the child would take the class over the limit of 30 children. There are very limited exceptions to this.

An appeal against such a decision can only be allowed if the Appeal Panel is satisfied that either:

- The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case; or
- The child would have been offered a place if the Local Authority's admission arrangements had been implemented properly.

In this context, ‘reasonable’ has the legal meaning of ‘not perverse’, therefore 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 and must be:-

’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’.

With such appeals, the Appeal Panel will simply hear the Authority’s explanation as to why a place had been refused followed by your reasons for saying that the appeal should be allowed on one of the grounds referred to above before making their decision.

What happens if I decide to appeal?

You should submit the relevant application for appeal to the appropriate admission authority (noted on page 2) by the date specified in the refusal letter that you have received. You may wish to submit other documents e.g. medical, educational or other professional reports or letters and these should be included with your appeal form wherever possible. Do not delay in submitting your appeal form if you are waiting for other documents as these can be sent at a later date.

Your appeal form, and any other documents, will be sent to the Clerk to the Independent Appeal Panel. The Clerk will then arrange for your appeal to be heard. Where there are a number of appeals for the same school, the Appeal Panel will make every effort to hear all appeals together, possibly over a period of several days. If you would like further advice and information about appealing for a school place, please contact Sefton School Admissions Team (see contact details on page 10).
When will my appeal be heard?

Appeal hearings for the allocation of reception places for starting primary school and the allocation of places for children transferring from primary to secondary school must be heard within 40 school days* of the deadline for lodging appeals.

- For late applications, appeals should be heard within 40 school days* from the Sefton deadline for lodging appeals where possible, or within 30 school days* of the individual appeal being lodged.

- Applications for In-Year admissions, where an appeal is submitted during the academic year, appeals must be heard within 30 school days* of the appeal being lodged.

*School days refers to Sefton’s standard school term dates. Therefore appeals are not heard during school holidays.

Any appeals submitted after the appropriate deadline must still be heard, in accordance with whatever timescale is set out in the timetable published by the Admission Authority.

You will normally receive at least 10 school days notice of the appeal hearing from the Clerk to the Independent Appeal Panel, unless you agree, in writing, to a shorter period of notice. At least 7 working days before the hearing you will receive a written statement from the Admissions Authority detailing why it has not been possible to allow your child to attend your preferred school. This will form the basis of the case for the Authority.

Where are the appeals heard?

Appeals are normally heard at Bootle Town Hall. Other venues may be used on occasions and the Clerk to the Independent Appeal Panel will write to you with details of the location, date and time of your appeal hearing.

Can I attend the hearing?

Parents are encouraged to attend the appeal hearing wherever possible to present their case to the Panel and to clarify any points raised. If it is not possible for you to attend, your appeal can be heard in your absence and a decision will be reached on all the written information which is available to the Panel.
You can also bring along and/or be represented by someone, such as a friend, adviser, an interpreter or signer to help you make your case.

Such an adviser can be a locally elected politician, or an employee of the Local Authority such as an educational social worker, SEN adviser or learning mentor, provided that this will not lead to a conflict of interest. Admission authorities must not allow an employee of the school in question or a member of the admission authority concerned to attend in this capacity.

It will not normally be necessary for the child to attend the hearing.

Who will be present at the appeal hearing?

- The Presenting Officer for the Admissions Authority will present the case as to why your child has not been allocated a place at your preferred school.

- The Clerk to the Independent Appeal Panel is present throughout the hearing to take notes and to give advice and guidance about the procedure and the law. The Clerk is not a member of the Appeal Panel and takes no part in the decision making process but remains with the Appeal Panel whilst it makes its decision.

- There will be 3 independent members on the Appeal Panel including:
  - at least 1 lay member. This means a person without personal experience in the management of any school or the provision of education in any school (unless that experience was gained as a school governor or in any other voluntary capacity);
  - at least 1 member who has experience in education, is familiar with the educational conditions in Sefton or is the parent of a registered pupil at a school.

Appeal Panel members are volunteers who are completely independent of the Admissions Authority and the Local Authority.

What happens at the appeal hearing?

Appeal hearings are part of the legal system and although they follow a set procedure they are relatively informal.

The Chairperson of the Appeal Panel will welcome you to the hearing and introduce the other members of the Appeal Panel plus the clerk and the Presenting Officer before explaining the procedure to be followed, which is set out on the next page.
• The presenting officer will present the case for the Admissions Authority explaining why the Admissions Authority considers that your child’s admission to the school would “prejudice the provision of efficient education or the efficient use of resources” or in the case of Infant Class Size Appeals, that the admission of further children to the school would breach the Infant Class Size limit.

• You may question the presenting officer about any points raised or ask for clarification if there is anything which is unclear and the Panel may question the Presenting Officer.

• You will be invited to present your case and explain the reasons why you wish your child to attend the school in question.

• The Panel members and the Presenting Officer may ask you questions in relation to the reasons for wishing your child to be admitted to the school under consideration and about the information you have provided within your appeal.

• The Presenting Officer will be asked to sum up the Admission Authority’s case.

• You will be given the opportunity to sum up your case.

• Both parties will withdraw whilst the Panel considers the representations and evidence.

• If the Panel requires any further information, both parties shall be invited to return.

No decision will be made there and then but usually by the end of the day at the conclusion of all appeals having been heard.

In the case of multiple appeals in the same year group for the same school, that may be heard over a number of days, no final decisions will be made until all the appeals have been heard.

How do members of the Appeal Panel reach their decision?

The Panel will give careful consideration to your appeal and unless your appeal involves Infant Class Size Legislation (see page 4), the Panel will reach its decision by considering your appeal in two stages.

Firstly at stage 1 the panel will consider whether the admission arrangements are lawful, and whether they have been properly applied in individual or multiple cases. They would also consider whether the admission of additional children to the school would prejudice the provision of efficient education or the efficient use of resources at the school.
If the Panel considers that the admission arrangements did not comply with the law or had not been properly applied which has resulted in a child not receiving a place, or if it feels that the admission of a child would not cause prejudice to the school then a place would be granted.

If however, the Panel is satisfied with stage 1 they will move to stage 2, where it will balance the personal factors put forward by the appellant against the level of prejudice it feels a further admission would cause to the school.

If the panel feels that an appellant’s personal circumstances outweigh the level of prejudice caused to the school it would allow the appeal. If it does not, then the appeal would be refused.

If the Appeal Panel decides to allow an appeal, then the school must admit the child. If the Appeal Panel decides to refuse the appeal, then the parent should seek a place for their child at an alternative school.

**When will I be informed of the Appeal Panel’s decision?**

The Clerk to the Independent Appeal Panel will write to the appellant within a period not exceeding five school days after the hearing. Where appeal hearings for a school have been held over several days, no decisions will be made until the final day. In such cases the decision letter will take a little longer to prepare and send out.

**What can I do if my appeal is refused?**

The child will have to remain at the current school or attend the school at which a place has been offered. You may select an alternative school for your child to attend. Sefton School Admissions Team will be able to offer assistance with this. The parent must ensure that attendance at the child’s current is maintained or they attend the school offered to them.

A second appeal cannot be heard for the same school, in the same academic year, unless there has been a significant and material change in the circumstances of the parent, child or school. It is the decision of the individual Admission Authority to determine whether you may have a further appeal. An appeal for a place at the same school can be heard again in a later academic year.
What can I do if I am unhappy with the Appeal Panel’s decision?

The Local Government Ombudsman can investigate complaints about maladministration on the part of an appeal panel for a maintained school*. This is for all Sefton Schools except Academy Schools.

A complaint to the Ombudsman is not a further appeal. It must relate to the administration of an appeal, rather than the appeal decision. Maladministration covers issues such as failure to follow correct procedures or failure to act independently and fairly. It does not cover the merits of decisions that only the panel has the authority to make. Therefore, generally, the Ombudsman cannot consider whether the appeal panel was correct to uphold or dismiss the appeal.

The Ombudsman is not able to overturn the appeal panel’s decision but, where they find that there has been maladministration, they may make recommendations for a suitable remedy. For example, they may recommend that an appeal is reheard by a different panel and with a different clerk. Contact details for the Local Government Ombudsman can be found on page 10.

* In respect of Academy Schools: a complaint should be made to the Education Funding Agency instead of the Local Government Ombudsman (see contact details on page 10).
Contact Details

Sefton School Admissions Team
Schools Regulatory Services
Town Hall, Oriel Road
Bootle, Liverpool
L20 7AE
Email admissions@sefton.gov.uk
Tel: 0151 934 3590

The Clerk to the Independent Appeal Panel
Committee and Member Services
Town Hall, Oriel Road
Bootle, Liverpool
L20 7AE
Email: ian.barton@sefton.gov.uk
Tel: 0151 934 2788

Archdiocesan Schools Department
Liverpool Archdiocesan Centre for Evangelisation (L.A.C.E)
Croxeth Drive
Liverpool
L17 1AA
Tel: 0151 522 1071
www.liverpoolcatholic.org.uk/schools/Appealing-For-A-School-Place

Diocese of Liverpool
St James’ House
20 St James Road
Liverpool
L1 7BY
Tel: 0151 709 9722
www.liverpool.anglican.org

Local Government Ombudsman - P. O. Box 4771, Coventry, CV4 0EH
Tel: 0300 061 0614  www.lgo.org.uk

Academy Admission Appeal Complaints - Education Skills & Funding Agency
www.gov.uk/schools-admissions/complain-about-the-appeals-process

If you need this leaflet in a different format or another language, please contact us on:

0151 934 3590

www.sefton.gov.uk/schooladmissions