

In-Year Appeals – Frequently asked questions & statistics

If you are dissatisfied with the admission decision, you have the right to make a representation to the Appeals Panel, which is independent of the academies.

However, before you can make an appeal you must first have applied to the Academy for a place and have completed a recent In-Year Application Form for the local authority. Once you have received a letter from the local authority advising you that a place cannot be offered, you can then proceed to make an appeal for the academies if you wish to. You may also find the following information helpful in respect of appeals:

Infant class size

The Government has set a limit on the size of infant classes (Reception, Year 1 and Year 2), as described below. Appeals are very rarely upheld for infant classes because of this.

4.12 Admission authorities **must** provide parents with information on the limited circumstances in which an infant class size appeal can be upheld in order that they can make an informed decision about whether to submit an appeal.

2.15 **Infant class size** – Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must not** contain more than 30 pupils with a single school teacher. Additional children may be admitted under limited exceptional circumstances. These children will remain an ‘excepted pupil’ for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

- a) children admitted outside the normal admissions round with statements of special educational needs or an Education, Health and Care Plan specifying a school;
- b) looked after children and previously looked after children admitted outside the normal admissions round;
- c) children admitted, after 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 round 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 from a multiple birth is admitted 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 attend some infant classes within the mainstream school.

Should I appeal?

Before any appeal takes place, the year group will be full. No places are ‘reserved’ for children whose appeals are upheld.

As well as considering the parents’ reasons why the child should be admitted, the panel also consider if the application was made correctly and on time, if the admission arrangements complied with the mandatory requirements of the School Admissions Code, and whether those arrangements were correctly and impartially applied to that particular application.

As any upheld appeal will result in the year group being over the recommended limit, which could have health and safety implications and/or a harmful effect on the teaching and learning of all or some of the pupils in the year group, only those appeals with **strong** reasons are likely to be upheld. Appeals solely on the grounds of distance from, or convenience of transport to, an academy are unlikely to be upheld.

The figures below show the number of appeals received for the last three years, both for entry at the start of Reception and for in-year appeals.

Please turn over

Dixons Allerton Academy*	Lodged	Upheld	Rejected
2020 – Reception entry	4	0	4
2021 – Reception entry	1	0	1
2022 - Reception entry	5	0	5
In-Year 2019-20	15	0	15
In-Year 2020-21	16	0	16
In-Year 2021-22	6	0	0

Key:

Lodged: number of appeals made

Upheld: appeals found in favour of the appellant

Rejected: appeals found in favour of the Academy

Dixons Music Primary*	Lodged	Upheld	Rejected
2020 – Reception entry	5	0	5
2021 – Reception entry	5	0	5
2022 - Reception entry	8	0	8
In-Year 2019-20	9	0	9
In-Year 2020-21	1	0	1
In-Year 2022-22	3	0	3

* Appeals for infant classes/Key Stage 1 (Reception, Year 1 and Year 2) are subject to the infant class size rule where classes **must not** contain more than 30 pupils with a single teacher. For this reason, appeals are very rarely upheld for those year groups.

What should I put in my appeal?

It is important to put ALL of your reasons for wanting a place on the form. It is *your* responsibility to provide any supporting documentation, such as letters from a hospital consultant/ paediatrician or social services, and these should be sent with your appeal form (where possible).

If you cannot submit all of your documents with your appeal form, you must make sure you submit these to the Appeals Coordinator, at least five days before your appeal. If you provide additional documents after this deadline or on the day of your appeal, the panel may be unable to consider them, or they may defer your appeal to another date. The panel cannot consider documents submitted after the appeal hearing has taken place.

If my appeal is refused, can I appeal again?

If you are unsuccessful in your appeal, a second appeal will only be considered for that academic year if there has been a significant change in your circumstances as a result of which a new application has been accepted.

Please note

You cannot appeal for an academy if you did not list it as a preference on your local authority's in-year common application form (CAF).

