



Pembrokeshire County Council School Admissions Appeals



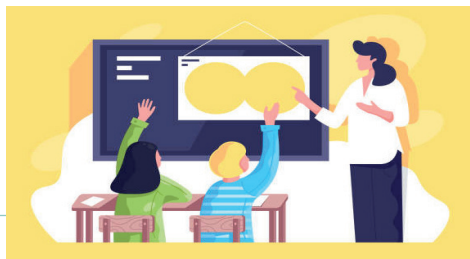
This booklet provides information on the appeals process for Community and Voluntary Controlled (VC) Schools only. In the case of Voluntary Aided (VA) schools, the Governing Body is the admission authority and is responsible for arranging any admission appeals. There is a locally agreed protocol whereby secondary schools administer sixth form admissions and therefore arrange any admissions appeals themselves.

If a place at a school is refused what happens next?

All school places are allocated in line with the Schools Admissions Code and the Council's admission arrangements and in the majority of cases, places are offered in accordance with parental preference. However, if your child is not offered a place you will receive a decision e-mail explaining the reason. *Check your email 'junk folder' if you have not received this.

A place will be refused due to one of the following reasons:

- 1. Prejudice** - Where to admit the child would prejudice, or cause problem to the overall provision of efficient education or the efficient use of resources, by impairing the learning environment at the school and limiting the access of pupils to the resources that are available. Factors that are considered in determining prejudice include:-
 - the impact on the school of admitting additional pupils in terms of the organisation and size of classes, the availability of teaching staff and the effect on the pupils already at the school
 - the impact that admitting additional pupils might have on other schools in the area
 - the effect an additional admission would have on the school in the current and following years as the year group moved through the school
 - any changes that have been made to the school's physical accommodation or organisation since an admission number was originally set for the relevant year group
 - the impact of any locally agreed protocols as agreed by the Admission Forum.
- 2. Infant Class Size** - Statutory limits on class sizes provide that, subject to certain limited exceptions, Foundation Phase classes (Reception, Year 1 and Year 2 i.e infants) may not contain more than 30 pupils.



Your child's name will automatically go onto the waiting list for the school for the rest of that academic year – or in the case of nursery places – until the end of the academic year of the nursery phase. You will also be informed of your right of appeal (if applicable). Appeals are heard by an Independent Appeals Panel and this is your opportunity to make the appeal panel fully aware of all the facts of your case.

Please note – there is no right of appeal for nursery admissions (these are school places for children from the term after their 3rd birthday until they become of Reception/Primary school age (which starts in the Autumn Term following a child's fourth birthday); or for children who have been permanently excluded from two schools.

Frequently Asked Questions

I'm not sure whether to appeal – can I talk to someone?

The Parent Partnership Service offer impartial information, advice and support about concerns that affect children and young peoples' education to families in Pembrokeshire. You can contact PPS to discuss your options, local information on schools and, where appropriate, other support services.

The contact number is 01437 776354 and [e-mail pps@pembrokeshire.gov.uk](mailto:pps@pembrokeshire.gov.uk)

How do I appeal?

To make an appeal you must download the form from the Pembrokeshire County Council website. The completed form should be submitted within 10 working days of you being notified of the decision to refuse a place.

It can be submitted in one of two ways:-

By post:

The Director for Education
2B, County Hall
Haverfordwest
Pembrokeshire
SA61 1TP

Or by e-mail: steven.richards-downes@pembrokeshire.gov.uk

If appeals are received after 10 working days they will only be considered if there were exceptional circumstances, which must be explained, that it could not be submitted on time.



What is the Admission Appeal Timetable?

Appeals made during the timetabled admissions process are heard within 30 school days of the specified closing date for the receipt of appeals – this is for Reception and Secondary School applications. Appeal hearings for appeals made outside the timetabled admissions process must be held within 30 school days of the appeal being received in writing. During the summer holidays admission authorities must arrange to hold their appeals within 30 working days of the appeal being received in writing.

What happens once I have submitted an appeal?

When the appeal is received you will receive an acknowledgement via e-mail and it will be considered by the Director for Education. Unless there are exceptional circumstances identified which warrant awarding a place, the Admissions Authority's decision will remain unchanged and your appeal will be referred to Legal Services (who act as the Clerk to the appeal panel). Legal Services will arrange for the appeal to be heard by an Independent Appeal Panel and will set a time and place for the hearing. Appeal hearings are normally held in person in Haverfordwest, however, in certain circumstance e.g. during the COVID 19 pandemic – alternative arrangements will be sought i.e. online hearings.

Legal Services will contact you directly to advise you of the hearing date and time. You will usually be given at least fourteen days (10 working days) written notice of the hearing.

You are welcome to be accompanied by a friend, adviser, interpreter or signer; however, you will be expected to speak and answer questions. You do not have to attend the appeal hearing and, instead, allow the appeal to be considered on the basis of a written statement. If you do not attend the hearing, the appeal will be decided on the information available.

Who sits on the Appeal Panel?

Panel members are volunteers who are fully trained in the legal tests that must be applied under the School Admissions Appeals Code. Admission appeals panels are independent of the Admission Authority and of schools and help to ensure a balance between the right of parents to a full and fair hearing, and protecting schools against admitting so many children that it effects education or the efficient use of resources. The Appeals Panel decisions are legally binding, which means if your appeal is successful your child must be admitted to the school. The Panel will normally comprise of 3 or 5 lay members (people without personal experience in the management of any school or the provision of education in any school) and persons with experience in education (who are acquainted with educational conditions in the area of the authority, or who are parents of a pupil registered at another school).

Independent appeal panels must consider each case individually and they cannot limit themselves, in advance, to the admission of any particular number of pupils.

What happens at an appeal hearing?

The Chair will welcome all the parties and introduce the panel members and the clerk. The Chair will also introduce the Admission Authority's representative or presenting officer and the appellants. The procedure will be clearly and simply explained by the chair, giving details of the issues which the panel will be addressing and in what order. The hearing works in two stages.

Stage 1. The Factual Stage looks at whether there was a lawful reason to refuse admission. The panel will:

CONSIDER whether the published admission arrangements comply with the mandatory requirements in law

CONSIDER whether compliant admission arrangements were correctly and impartially applied in the case(s) in question

DECIDE whether 'prejudice' would arise were the child or young person to be admitted.

YES

Move to stage 2

NO

Child is admitted

Stage 2. The Balancing Stage looks at the possible negative impact on the school and its pupils if the child is admitted, and at the strength of the parents' case, and 'balances' them to decide if the child should be admitted. The panel will:

The panel will then consider whether the individual circumstances of your case are sufficient enough to outweigh the prejudice.

Appeal Allowed

The place is allocated

Appeal Refused

Pupil remains on the waiting list. Child can remain at current school or parents can apply for another school

The decision of the appeal panel is binding on the council and the school governors.

When will I be informed of the outcome of the hearing?

You can expect to hear in writing the Panel's decision on your appeal within 7 - 10 working days of the hearing. The decision is final and binding on all parties.

What happens if my appeal is denied?

Your child's name will remain on the waiting list for that particular academic year. You can reapply for a place at the same school for a different academic year for which you will have a fresh right of appeal.

Is there a Second right of appeal?

In general you can only have one appeal for a school in the same academic year, however, you may have a fresh appeal if

- there were faults in the first appeal and there is a significant possibility that the outcome might have been affected by the faults or,
 - The admission authority accepted a fresh application because there has been a significant and material change in the circumstances of the parent or young person or school, but considered that the fresh application should also be turned down. Examples of this include medical reasons, or that the family have moved house.
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Further information - Welsh Government Guidance

The 'School Admissions Code' and the 'School Admissions Appeals Code' have been produced by the Welsh Government and explain the statutory guidance that must be followed when allocating school places in all primary, secondary and middle schools.

