

A teal thought bubble with a white outline, containing the text "What should I know about...?".

*What should I
know about...?*



School admissions

Whether a child is offered a place depends on many criteria such as: the number of places, the number of other applications and any selection/religious criteria for the school concerned.

Due to the recent changes in the way legal aid is organised and delivered **legal aid no longer covers education law**, except for **Special Educational Needs**.

This leaflet is designed to be a practical guide for parents and guardians to help them deal with the issues related to their children's education when they cannot access legal advice.

Relevant criteria

Parents **do not have a right to send their child to the school of their choice**. They **have a right to “express a preference” for a school**. Whether a child is offered a place depends on, e.g.

- the number of places,
- the number of other applications,
- and any selection/religious criteria for the school concerned.

If the number of children applying for a place is more than the number of places available, the **admission** or **oversubscription criteria** for that school will be used to decide which children are offered a place. The admission or oversubscription criteria will include children in local authority care, children with statements of special educational needs, sibling connection, distance, etc.

A child will be refused a place at a school if more children apply than the number of places available and other children, who fit the admission criteria better, fill all the available places.

An objection can be made to the **Office of the School Adjudicator (OSA)** if you think the admissions arrangements of a maintained school or an academy do not comply with the **Schools Admissions Code**.



Right to appeal

Parents/carers/legal guardians have a **legal right of appeal** against the decision of the School/Local Authority not to offer you a place at your preferred school. It is difficult to successfully appeal because many of the schools that are considered popular are oversubscribed and there are not sufficient places for all the children who want to go to that school.

There are specific and limited circumstances in which a school admission appeal would be successful. Please refer to the flowchart showing what factors play a role in the decision making of the appeal panel for more details.

1. Were the admission arrangements correctly applied/Are they lawful?



The arrangements were not correctly applied **AND** the child would have been given a place if they were.

THE PARENT SHOULD WIN THE APPEAL.

If the admission authority was correct to turn the child down, the panel will then check:

2. Can the school take another pupil?

The school can take another pupil.

THE PARENT SHOULD WIN THE APPEAL.

If there are several appeals, only the parent whose child most needs the place will win.

Even if the panel accepts that the school is full, they should:

3. Balance

the reasons for the parent needing this particular school and the problems the child will face if they do not go there **against** problems the school will face if they have to admit an extra child.

If the panel feels that the parent's arguments outweigh the school's difficulties **they should admit the child.**

If the panel feels that the problems the school will face outweigh parent's reasoning **they will not admit the child.**



The Appeal Panel

The **panel must comply with the mandatory requirements of the School Admissions Code and School Admissions Appeals code and relevant legislation.** There will be a clerk to the panel to take notes and ensure the panel follows procedures. Someone from the admissions authority will be there (a Local Authority officer for most community or voluntary controlled schools or a school governor for all others). The headteacher may also be there.



The Appeal Hearing

The appeal should be conducted in accordance with the **rules of natural justice (objectively and fairly).**

The appeal will begin with the person from the admissions authority (usually the headteacher or a governor) explaining how places were allocated, why specifically your child was not offered a place and describing how the admissions criteria have been followed properly. If distance was a factor in the decision the headteacher/governor should give details of the how far from the school the last child to be offered a place lives.

You will have an opportunity to question the headteacher/governor particularly if you believe that the Headteacher/governor has made a factual error or not considered something that you believe to be relevant. For example, if church attendance was a factor in the decision: did the headteacher/governor give proper consideration to the evidence you provided? **The panel may also wish to question the headteacher.**

You will then have an opportunity to put your case, and it is important to not simply say why you want your child to attend the school but to show why you think the admissions criteria was not fairly applied (if you think this was the case).

The headteacher/governor and panel may ask you questions.

Case study 1



“Mrs. C”

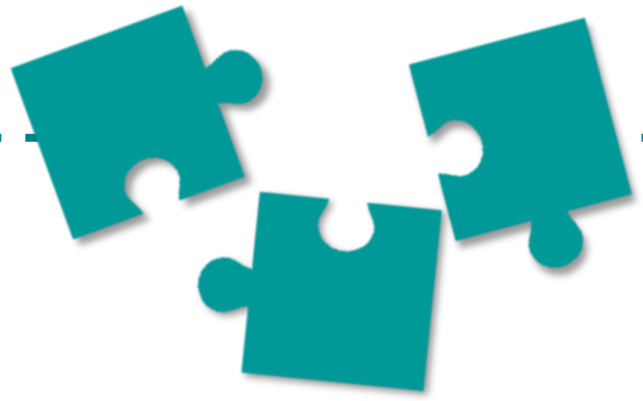
Mrs C had applied to her local primary school citing **social and medical reasons**. She was later informed that her application had been unsuccessful. The decision letter stated that under the school was oversubscribed and that places had been allocated in accordance with the school’s oversubscription criteria:

(1) looked after children, (2) children with special educational needs, (3) siblings, (4) social/medical reasons, (5) and distance.

Mrs C decided to **appeal** and the Local Authority sent information about the school’s admissions process prior to the appeal hearing. From the information sent it appeared that the professional medical evidence that she had enclosed with her application may not have been considered.

At the appeal hearing it was confirmed that the additional evidence that Mrs C had sent detailing her child’s medical conditions had not been considered at the time of her application. Her appeal was successful because the appeal panel decided that had the **professional evidence** been considered at the time of her application Mrs C’s son would have been offered a place at the school.

Case study 2



“Ms N”

Ms N had applied to a voluntary aided secondary school for a place for her daughter. The school specialised in music, dance and art, and offered a small number of “performance” places as well as other categories of places such as “Church of England” places and “open” places.

Ms N received a letter informing her that her daughter **had been offered a “performance place”**. She was naturally delighted by this news as the competition for these spaces was high. A few days later Ms N received **another letter** from the school advising her that her daughter was **unsuccessful in her application for an “open” place**.

When Ms N rang the school she was told that **she should disregard the first letter** (which they said had been sent in error) and that the contents of the second letter stood.

Ms N contacted the Law Centre and we made written representations on her behalf. Following this the **school withdrew the second letter** and confirmed that Ms N’s daughter had successfully obtained a “performance” place.



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