

# **SCHOOL ADMISSION APPEALS FACT SHEET**

**The Panel are independent, unpaid volunteers; they are not part of Cardiff Council.**

## **What are sufficient grounds for my appeal to be successful?**

Successful appeals are based upon specific reasons why a child should attend a particular school, because of that child's individual circumstances.

There are no specific grounds which are guaranteed to be successful, but you must have compelling reasons for an appeal to succeed. You should write these clearly on your appeal form. The Panel consider the legal tests which are set out at the end of this factsheet and each appellant's individual circumstances. However commonly used grounds of appeal are;

- **Medical conditions or disabilities;** the Panel will consider any medical conditions your child may have, but will look for a letter from a medical consultant or a specialist giving detailed reasons to prove that they must attend the school requested. If your child's medical condition affects their ability to travel to school, they may be eligible for support with school transport; please see the relevant section of the website to make an application. All schools are expected to have procedures to support pupils with medical conditions or disabilities, for example wheelchair access or procedures for dealing with severe allergies.
- **Special educational needs;** all schools are required to provide support for pupils who have additional learning needs. If you feel that your child can only be provided with support from the requested school, you should provide supporting evidence to that effect from a relevant professional. Schools are also able to access specialist support, and pupils can access county-wide specialist provision from any school.
- **Difficulties with transport;** the Panel will consider this, but will also take into account that it is the parent's or carer's responsibility to transport their children to school. Under Welsh Government legislation (the Learner Travel (Wales) Measure 2008), there is an expectation that a child of secondary school age should be able to walk up to 3 miles to school, via a safe walking route. A child of primary school age should be able to walk up to 2 miles to school via a safe walking route. However it is for parents or carers to decide if they need to be supervised on their journey to school. If you have applied to your catchment school but the nearest suitable school is further than these distances, you may qualify for free school transport; please see the section of the website to make an application.
- **Difficulties with childcare provision;** the Panel will consider this but will also take into account that it is the parent's or carer's responsibility to care for their children, and that many schools offer free breakfast clubs and after school clubs to support parents. The Council's website provides information about the various clubs that are available at each school, and the Family Information Service also provides information about childcare options across the city.

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- **Excellent standards or results;** the Council and School Governing Bodies are committed to raising standards in all schools. Although the Panel acknowledges that parents will want the best education for their children, attending a school which is perceived to have lower standards or poor exam results is not likely to be considered to meet the legal test for a successful appeal.
- **Friends or family support at the school;** the Panel will consider your child's individual needs, but this may not be sufficient to meet the legal test, unless there are compelling reasons why your child needs the specific support at the requested school.
- **Alternative schools offered are not appropriate;** although the Panel (as well as the Council) recognise the parent's or carer's right to express a preference for a particular school, there is no guarantee of a place at the requested school. The Panel will take into account the alternative schools the Council has available for your child. If you have compelling reasons why all the alternative schools are not appropriate, this may be a successful ground for appeal. As the Council usually gives details of 3 alternative schools, you may wish to consider whether any of them are appropriate, and if they are not, be prepared to explain this to the Panel.
- **Aptitude or ability;** the admission arrangements for community schools do not make any provision for selection by aptitude, or for pupil banding. All schools are expected to have support in place for pupils of all abilities; therefore the Panel will not usually consider your child's school report or achievements as a compelling reason, unless you feel that there is a specific educational provision only available at the requested school. All schools provide special programmes or specific curriculum needs for the gifted and more able children in a variety of subjects, as it forms part of a school's development plan.

### **What are the chances of being successful at the appeal?**

In the school year 2015/16 there were 520 appeals sent in, only 42 of these were successful after a hearing. In the school year 2016/17 there were 524 appeals sent in, only 25 of these were successful after a hearing.

### **By what date do I need to submit the appeal?**

The letter sent confirming that a place at a community school has been refused will also give the date by which you must submit an appeal. If you submit your appeal after this date, it will not be accepted unless you can why it was not possible to submit your appeal on time.

### **What happens at the appeal?**

Your appeal will normally be heard in private, but, if there are several appeals for one school the first stage of the appeal may be done as a group with other parents present who have also appealed. The appeal hearing is held in 2 parts.

1. In the first part, Cardiff Council will explain why they turned down your application and why the school would be too crowded if extra pupils are admitted.. You will be able to ask Cardiff Council questions about their reasons for refusal. You and Cardiff Council will then leave the room whilst

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the Panel makes their decision. If at this stage the Panel decides that there was no need to refuse a place, for instance, if the school would not be too crowded, the hearing will end and you will be informed that the appeal has been successful.

2. If the Panel decides that there were reasons for refusal on the grounds that the school would be too full, then a second stage will follow. The second stage is always individual (private) appeals. Cardiff Council will explain which other schools are available for your child, and using a map will show how far they are from your home address. You will then be able to explain why your child should be provided with a place at the school even though it is full. Cardiff Council can ask you questions and the Panel may also ask you questions so that they can understand all of the circumstances.

### **What happens after the hearing?**

After the hearing, you will receive a telephone call at the end of the day (or at the end of the day when all appeals have been held for group appeals) confirming whether or not the appeal has been successful – a ‘Yes’ or ‘No’ about whether your child can attend the school. After that you will usually receive a full written decision notice giving you the reasons for the Panel’s decision within 5 working days although this may be longer between April and July.

The decision of the appeal panel is final and legally binding on you and Cardiff Council. The decision can only be overturned by the courts where either you or Cardiff Council are successful in applying for Judicial Review of that decision.

If you consider there was maladministration on the part of the Panel, or a fundamental flaw in the way the Panel conducted the case or arrived at its decision you may have the right to make a complaint to the Public Services Ombudsman, the National Assembly for Wales.

### **What happens if I change my mind about the alternative schools offered?**

You should contact the School Admissions Team on 02920 872909 if you want to accept a place in one of the alternative schools offered at any time before or after the hearing. Please note availability can change on a daily basis, which means School Admissions may provide you with details of different alternative schools.

### **Can I re-apply for a school place if I have been turned down?**

Cardiff Council may consider a new application if there has been a significant change in your circumstances. You can re-apply for a place again in another school year and also have a fresh right of appeal if you are not successful in obtaining a place. You can also express your right of appeal for more than one school in the same academic year if you are refused a place. You would not normally have a right to a second appeal for the same school for admission in the same academic year.

### **Who can I bring to the appeal?**

You should attend the appeal as it is your opportunity to tell the Panel everything you want to about why your child should be admitted to the School. You can bring a

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friend or representative to attend with you. Appeals are an informal process so you should not need a legal representative but you can bring one if you would like to; you would have to pay for their attendance yourself. If you do intend to bring a legal representation, you must telephone us to let us know.

You cannot bring a Councillor, AM, MP or MEP or someone employed by Cardiff Council (or at a School). You are able to bring the child with you to the hearing (but the process usually takes 1 hour and so is long for young children). If your child is older and wants to speak to the Panel themselves, they can do so.

### **Will I understand everything at the hearing?**

You should have told us on the appeal form if you would like the hearing to be heard in Welsh or if you need the support of an interpreter (for any language). If so we will make the necessary arrangements free of charge.

### **What if I am unable to attend the hearing?**

If you are unable to attend and would like the hearing to be moved to another date, you should contact us as soon as possible. You are also able to send in written information or to send someone to represent you at the hearing (please confirm in writing that they have the authority to represent you). If you do not attend then the hearing will go ahead without you, based on the details given in your appeal form and any other documents that you have sent.

### **What type of appeal is it and what does that mean?**

The letter inviting you to the hearing will tell you what type of appeal it is, either an Infant Class size Prejudice Appeal or an Ordinary Prejudice Appeal.

### **In an Infant Class Size Prejudice Appeal**

Infant Class Size Prejudice relates to appeals for Reception, Year 1 and Year 2 (years with children aged 5, 6 and 7). This is because for those age groups, the Welsh Government have limited the class sizes to no more than 30 pupils. If a school accepts more than 30 pupils for any of these classes, they must then ensure that they take what is known as “relevant measures”, that is steps to make more than one class, such as employing a new teacher and building a new classroom.

There are specific rules about Infant Class Size Prejudice Appeals and there are only a few cases where appeals made by parents may be upheld, as in law one infant teacher is to have no more than 30 pupils in the class.

These are:

- The admission arrangements did not comply with the law and the child would have been offered a place if they had been compliant;
- There was a fault with applying the arrangements in the case of the child;
- The decision not to offer a place was not a reasonable one. Unreasonable in this case means ‘wholly irrational.’

The questions the Panel has to consider are;

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1. Is there sufficient evidence to satisfy the Panel that the admission arrangements are lawful?
2. Is it a reasonable admission number?
3. Has the number been reached?
4. Would qualifying measures be needed?
5. (a) Has Cardiff Council properly implemented its admission arrangements?  
(b) If not, would the child have been offered a place if Cardiff Council had properly implemented its admission arrangements?
6. Was Cardiff Council's decision to refuse a place one which a reasonable authority would make in the circumstances of the case?

### **In an Ordinary Prejudice Appeal**

This means that the Panel will balance the prejudice (unfairness) to the School in admitting another child which may mean it is overcrowded, against the prejudice to your child in not being admitted to that School.

The questions the Panel has to consider are;

1. Is there sufficient evidence to satisfy the Panel that the admission arrangements are lawful?
2. Is it a reasonable admission number?
3. Has the number been reached?
4. Has prejudice to the school been proved?
5. (a) Has Cardiff Council properly implemented its admission arrangements?  
(b) If not, would the child have been offered a place if Cardiff Council had properly implemented its admission arrangements?
6. Would there be more prejudice to the child if not admitted, than prejudice to the school if the child is admitted?

**School Admission Appeals operate in accordance with the Welsh Government's School Admissions Appeals Code which can be found in full on their website [www.wales.gov.uk](http://www.wales.gov.uk) and typing School Admissions Appeal Code in the search box at the top right-hand side of the screen.**

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