

St Werburgh's Primary School appeals guidance

St Werburgh's Primary School (SWPS) is part of Cathedral Schools Trust (CST) who is the Admission Authority. CST employs Democratic Services at Bristol City Council to administer the appeal process for SWPS.

As a parent/carer you have expressed a preference regarding the school you would like your child to attend. However, if the year group applied for is oversubscribed and has reached its published admission number (PAN), the Admission Authority may not be able to meet your preference.

Infant Class Size Appeals

By law, the number of children in Reception, Year 1 and Year 2 classes is limited to 30 children where there is 1 teacher in the class. This is because of laws passed which Local Authorities, schools and academies must follow. If this limit is broken the Local Authority, school, or academy are acting unlawfully.

The Admission Authority can refuse to give a child a place if it will result in steps having to be taken to restore the 30 children to 1 teacher ratio. For example, employing a second teacher or building an extra classroom to create an additional teaching group. Where these measures would cause prejudice to efficient education or the efficient use of resources, the admission authority can refuse to allocate any more places at the school (Infant Class Size Prejudice).

In very limited circumstances an independent appeals panel can allow an appeal and offer a child a place above the 30 children limit, for example;

- There are not 30 children in the class.
- the decision to refuse admission on the ground of the infant class size limit was not one which a reasonable admission authority would have made in the circumstances of the case; or
- the admission arrangements did not comply with admissions law, or were not correctly and impartially applied and your child would have been offered a place if the arrangements had complied or had been correctly and impartially applied.

Consideration of ‘reasonableness’ 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. The panel will need to be satisfied that the decision to refuse to admit the child was ‘perverse in the light of the admission arrangements’ i.e. it was ‘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’.

Infant Class size appeals are rarely successful. Parents/Carers often find it frustrating when they realise how very limited the powers of the appeal panel are. This is being drawn to your attention now, so that you can make a more informed decision about going ahead with the appeal. The purpose of this guidance is to clarify the law and explain the role of the Panel. It is not meant in any way to discourage you from appealing or attending the hearing which is your legal right.

If you choose to appeal you have the opportunity to appear in person and to speak at the hearing. You are free to talk about personal circumstances, but in this type of appeal the panel cannot take them into account unless they are relevant to the very limited circumstances outlined above.

In Year Ordinary Prejudice Appeals

The Appeal Panel will take into account the reasons for your preference, and individual circumstances relating to your application. You may wish to write a further letter to the appeal panel in advance of your appeal. Any additional correspondence should be sent to School Admissions at Cathedral Schools Trust as soon as possible.

You will be given not less than 14 calendar days’ notice of the date, time and place of the hearing at which you can be present and speak. You can, if you wish, be accompanied by a friend who may speak for you and represent your views to the appeal panel. Parents for whom English is not the first language may wish to arrange for an interpreter to be present. You are encouraged to attend the appeal panel meeting. If you prefer not to attend the panel will consider the case based on your written submission(s). Alternatively, a friend or representative may present the appeal on your behalf.

You may wish to write down in advance what you wish to say to the panel, and use your own notes to speak from on the day. It is important that you don’t think afterwards of something you forgot to say, or wish you had said, as the panel must not accept additional information after the appeal has been heard.

You will need to demonstrate that your child’s need for a place at SWPS outweighs the

Admission Authority's reasons for refusing a place. You are also welcome to submit additional letters of support from professionals or other parties who have been, or are currently, involved with your child. These may be letters which substantiate your case, or actively support your preference. Please submit all supporting documentation by the date specified in your refusal letter.

Appeals will be heard remotely online via zoom. When you join the appeal hearing online, you will automatically be directed to the online waiting area where the Clerk to the Independent School Appeals Panel will explain the hearing procedure to you before the appeal begins.

The sequence of events is likely to be

School's case:

- Presentation of the school's case by the representative of the Admission Authority
- Questioning by the parent/carer(s) and the Appeal Panel
- Summing-up by the representative of the Admission Authority

Parent/carer's case:

- Presentation of the case by the parent/carer
- Questioning by the Appeal Panel/representative of the Admission Authority
- Summing-up by the parent/carer

If more than one family is appealing for the same school on the same day all parents/carers are invited to the same School's case hearing. The parent/carer's case will be held in private and will be confidential. It should not be necessary for a child to attend, or for there to be witnesses, other than a friend or interpreter mentioned previously.

The appeal panel will ask all parties to withdraw while considering a decision. The decision of the appeal panel will be sent to you in writing by the Clerk to the School Appeals Panel. The decisions of appeal panels are binding upon the parent and the Admission Authority, but parents have statutory rights under other legislation should they wish the matter to be investigated further.

Key Points

- Read the Admission Arrangements for the relevant year so that you understand how places are allocated at the school.

- If you are appealing for a place in Reception, Year 1 or Year 2, understand how infant class size legislation affects how an appeal panel will consider your appeal.
- Send in your Appeal Form by the deadline specified.
- Think about your child's individual needs.
- Decide what is unique about SWPS in terms of meeting your child's needs.
- Prepare your case.
- Backup your points with evidence – simply stating your child lives locally, has friends at the school or has always wanted to attend SWPS is not evidence.

Further information

Email: st.werburghs.p@bristol-schools.uk

The Clerk, Democratic Services via [BCC website](#)

Useful links

CPS Website: www.stwerburghsprimary.com

Department for Education (DfE): [Link to School Admissions Code](#)

Advisory Centre for Education provides online leaflets and guidance for parents:
E-mail: [Link to ACE email address](#) Website: [Link to ACE website](#)