

THE SCHOOL STANDARDS AND FRAMEWORK ACT 1998

APPEAL

PLEASE COMPLETE IN BLACK INK OR TYPEFACE

PART I

TO THE CLERK TO THE INDEPENDENT APPEAL PANEL FOR ST CATHERINES CATHOLIC PRIMARY SCHOOL

Name of Child

Date of Birth.....

Address of Child.....

Address of Parent(s) if different

Allocated School.....

Telephone number(s) at which parent(s) may be contacted

.....

E Mail addresses:.....

I/We wish to appeal for a place for my/our child at St Catherine’s Catholic Primary School

GROUNDS FOR APPEAL

(Please read the accompanying notes and then submit a detailed statement of your case, on the separate sheet provided. This should be completed even if you intend to attend the hearing in person. Your statement will be provided to the Appeal Panel before the hearing)

Signature of parent(s) making the appeal.

.....(Mother)(Date)

.....(Father)(Date)

ARRANGEMENTS FOR HEARING

Name of Child.....

Do you wish to attend the meeting of the Appeal Panel ?

Yes / No

Do you waive your right to less than 10 school days notice of the hearing ? Yes/No

Notes in respect of Infant Class Size Appeals

Please read these carefully before submitting your appeal as they clearly state the limited grounds the appeal panel can consider

Under legislation, there is a requirement that from 30 September 2001 onwards no child of 5, 6 or 7 years will attend school in a class which has more than 30 pupils. The legislation does allow for very limited exceptions.

You have been refused a place for your child on the grounds that it would cause class size prejudice, i.e. in order to keep classes to no more than 30, the school would have to take relevant measures for example opening another class, and/or employing more teachers.

Where the Admission Authority has refused a place to your child on 'class size prejudice grounds' **an Appeal Panel can only allow an appeal based on the following facts:**

- FACT A** **the class has less than 30 children on roll**

- FACT B** **your child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code and the SSFA 1998 (to include the local co-ordinated scheme)**

- FACT C** **your child would have been offered a place if the admission arrangements had been properly implemented;**

- FACT D** **the decision to refuse admission was not one which a reasonable admission authority (i.e. The Governing Body) would have made in the circumstances of the case.**

The Panel firstly has to decide whether the admission arrangements have been properly implemented:

- FACT A** **If there are less than 30 children in the class, class size legislation does not apply. The Panel will consider your appeal together with any balancing arguments.**

- FACT B & C** **Firstly, was the published admission criteria or the way your application was considered within the law i.e. Did it break any part of the 2014 School Admission Code. Secondly did the Admission Authority follow its own rules as set out in its published admission arrangements? If the Authority did not follow its own rules, was this deliberately or by mistake? If the rules had not been followed and your child would have been offered a place at the school, then your appeal could succeed. You may submit new information and evidence to verify your claim that arrangements had not been properly followed.**

If Fact B is proved the Panel then goes on to decide whether Fact C applies:

- FACT D** **Did the Authority act "unreasonably". The words "reasonable" and "unreasonable" are legal "test words". For the decision to be "unreasonable" it must be completely perverse/illogical or not based on the facts of the case so far as is relevant to the admission at the time you lodged the application form.**

The "facts of the case" include the published admission arrangements, the internal operation of the admission authority and your own circumstances. It is for the Appeal Panel to decide whether it was unreasonable or perverse. The allocation of an alternative school is **NOT** part of the process when deciding places at your chosen school. **Therefore the distance of the allocated school to your home is NOT something that could be considered as "unreasonable" when taking the decision into account.**

Only information available to the Authority ***at the time the application was considered*** can be taken into account, but you may present new evidence to substantiate your case. Information or events relating to circumstances arising **after** you submitted the original application cannot be taken into consideration.

FINALLY if the Panel believes that you do meet one of the four facts above, it must then consider if the provision of education would be prejudiced at the School if your appeal were to be successful.

Do you consider the Governors have **made a mistake** when considering your application?

YES/NO

If you answer **YES** to this question please provide full details on a separate sheet if necessary.

Do you consider the decision to refuse admission to your child was **UNREASONABLE** having regard to the notes provided?

YES/NO

If you answer **YES** to this question please provide full details on a separate sheet if necessary

Signature of parent(s) making the appeal.

.....(Mother) (Date)

.....(Father)(Date)