



Admissions Appeals Policy

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Applies to	BCP First Schools in Initio Learning Trust

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1.0	April 2025	To establish a Trust wide policy

The aim of this Admissions Appeal Policy is to provide guidance for parents and our schools in the admissions appeals process for 2025-2026.

School Admission Appeals Process (BCP schools only)

Before submitting an appeal against an admissions decision, please carefully review the following guidance.

Parents or guardians whose child has been refused a place at one of our schools have the statutory right to appeal this decision. The formal letter of refusal, issued by the Local Authority, will detail the specific reasons for the application's unsuccessful outcome. The most frequent reason for a school being unable to offer a place is that the number of applications received exceeded the available places, and other applicants demonstrated a higher priority for admission based on the school's published admissions policy.

For in-year applications, a refusal may occur if the school has reached its Published Admission Number (PAN). In such instances, admitting additional pupils would place undue strain on the school's resources and potentially compromise the educational experience of existing students.

Should your child not be allocated a place at your preferred school, you are entitled to lodge an appeal. This appeal will be considered by an Independent Appeal Panel. The Panel will take into careful consideration the grounds for your appeal, the school's published admission arrangements, and the school's rationale for refusing admission. It is permissible to appeal for a place at more than one school.

The Department for Education provides comprehensive "[Advice for parents and guardians on school admission appeals](#)," which we strongly recommend you consult in conjunction with the information provided herein.

In your appeal submission, you must articulate clearly the reasons why you believe your child should be admitted to the school. Subsequently, you will receive documentation from the school outlining their case for refusing admission. Both your appeal submission and the school's supporting documentation will be presented to the Independent Appeal Panel, which holds the ultimate responsibility for determining the outcome of the appeal. The Panel's remit is solely to either uphold (allow) or dismiss (refuse) the appeal. Its decision is final, legally binding, and can only be challenged through a judicial review process in the High Court. Following the appeal hearing, both you and the school will receive a formal letter communicating the Panel's decision, typically within five school days. Please note that the decision will not be conveyed on the day of the hearing itself. Should your appeal be successful, the decision letter will provide detailed information regarding the subsequent steps.

In reaching its determination, the Independent Appeal Panel is required to carefully weigh the respective arguments presented. Specifically, the Panel must assess whether the merits of your reasons for seeking your child's admission to the school in question outweigh the potential difficulties the school would encounter as a direct consequence of admitting an additional pupil. The Panel possesses the authority to rule that, notwithstanding the school being at full capacity, your child should nonetheless be admitted. If the Panel concludes that your reasons are of greater significance than the school's concerns, your appeal will be upheld, and your child will be offered a place. Conversely, if the Panel deems the school's concerns to be more compelling, your appeal will be dismissed, thereby affirming the original refusal of admission.

Please be aware that the pursuit of an appeal may extend the period of uncertainty for both you and your child. Therefore, we strongly advise that you consider accepting any alternative offer of a school place you may receive. This will ensure that your child has a confirmed school placement should your appeal ultimately be unsuccessful. Accepting an alternative offer will have no bearing on the appeal process, and the appeals procedure does not limit any other options available to you.

Types of Appeal

There are two distinct categories of appeal hearings, the nature of which will be specified in the letter of refusal you receive.

Infant Class Size Appeal - Key Stage 1 Appeals (Reception, Year 1 and Year 2 only)

This type of appeal arises when an application for admission to an infant class is refused on the grounds that admitting the child would exceed the statutory limit on class size. The School Standards and Framework Act 1998 stipulates that, effective from 1st September 2001, no child in an infant class (Reception, Year 1, or Year 2) at a maintained school shall be taught in a class exceeding 30 pupils with a single qualified teacher. Schools may lawfully refuse to admit a child to an infant class if doing so would contravene this legally mandated class size limit.

Appeals conducted under infant class size legislation typically have a low rate of success. This is due to the limited circumstances under which appeal panels are permitted to uphold such appeals. Only the following four specific grounds can be considered:

- The admission of an additional child would not cause the infant class size limit to be exceeded.
- The school's admission arrangements did not comply with mandatory admissions law, and the child would have been offered a place had they been compliant.
- The school's admission arrangements were not correctly and impartially applied, and the child would have been offered a place had they been correctly applied.

- The decision to refuse admission was not one that a reasonable admission authority would have made in the specific circumstances of the case.

If none of the aforementioned grounds are applicable to your situation, the law mandates that the appeal panel has no alternative but to refuse your appeal. Consequently, your appeal submission **must** clearly state which of the above grounds you are relying upon, and the reasons you provide for your appeal must directly relate to one or more of these specific grounds.

Standard Prejudice Appeals

This category of appeal pertains to instances where an application for admission is refused because the child's admission would be detrimental to the provision of efficient education or the efficient allocation of the school's resources.

Appeals for Children with an Education, Health and Care Plan

Independent Appeal Panels are not authorised to consider appeals for children who possess an Education, Health and Care Plan (EHCP) that explicitly names a mainstream school. Such appeals fall under the jurisdiction of the First-tier Tribunal (Special Educational Needs and Disability) and must be lodged within two months of the EHCP's issuance.

The Independent Appeal Panel

The Independent Appeal Panel comprises three volunteer members. To ensure impartiality in the appeals process, the admission authority (or their clerk) must form an independent appeal panel.

This panel will consist of a chair and a minimum of two other members, drawn from the following categories: (a) lay people, defined as individuals without professional experience in school management or education, except for voluntary roles such as school governors, and (b) individuals with experience in education, knowledge of local educational conditions, or who are parents of registered pupils. The admission authority is responsible for maintaining the independence of all panel members for the duration of their appointment in accordance with the School Admission Appeals Code 2022. These members are entirely independent of school, acting as the Admission Authority, and have no association with the specific school for which an appeal is being lodged. All Panel Members receive comprehensive training on the legal framework governing School Admission Appeals. The conduct of each hearing is overseen by a designated Chair, who is responsible for introducing parties, explaining their respective roles, and ensuring that all participants have ample opportunity to present their case and ask pertinent questions.

Upon receipt of appeal documentation, Panel Members undertake a thorough review of appellant names to proactively identify and mitigate any potential conflicts of interest. Appellants are likewise requested to conduct a similar review upon notification

of the Panel's composition. A Panel Member is precluded from hearing an appeal if they have a direct personal acquaintance with the appellant or have had any prior involvement in the appellant's case.

A Clerk to the Panel is present during all hearings. The role of the Clerk is to maintain a formal record of the proceedings and to provide procedural advice to the Panel; the Clerk does not participate in the decision-making process.

Appeal Hearings

Appellants will receive formal notification, at least ten working days prior to the scheduled date, specifying the date, time, and location of their appeal hearing. However, in instances where an appeal is submitted late and a hearing is already scheduled within ten working days of receipt of the appeal form, appellants may, by explicit request, have their appeal included in that hearing, thereby waiving their entitlement to the standard ten-day notice period.

The relevant school is required to furnish a comprehensive written statement detailing its admissions arrangements, the precise manner in which these arrangements were applied to the appellant's application, and the substantive reasons for the decision to refuse admission. This statement, along with a copy of the appellant's original appeal form and any supplementary documentation submitted, will be provided to the appellant at least seven working days prior to the appeal hearing. Identical documentation is concurrently provided to the Appeal Panel Members and the school.

Appellants are strongly encouraged to attend the appeal hearing in person to articulate their case directly to the Panel, as this facilitates a more comprehensive understanding of their circumstances. Should an appellant elect not to attend, or be unable to do so, the Panel will adjudicate the appeal based solely on the written evidence presented within the appeal form and any accompanying supporting documents.

Appellants may be accompanied by a friend or may be formally represented by another individual, including legal representation if so desired (though this is not typically deemed necessary or appropriate). Should an appellant intend to be represented, the Clerk to the hearing must be notified in writing in advance of the hearing date. It is important to note that any friend or representative attending the hearing cannot be a representative of the school in question. Furthermore, it is generally not considered appropriate for the child who is the subject of the appeal to attend the hearing.

The appeal hearing will be conducted in as informal a manner as is practicable, whilst adhering strictly to the principles of fairness and impartiality as enshrined within the School Admission Appeals Code.

The Chair of the Appeal Panel will commence the proceedings with formal introductions and a clear explanation of the hearing procedures. The Panel Members will have thoroughly reviewed all information submitted by both the appellant and the

school and will have copies thereof for reference. Appellants are also advised to bring a copy of their documentation to the hearing.

Subsequently, the Chair will invite the school to present its case (Stage 1). During this stage, the school will articulate how its admission policy aligns with the mandatory requirements stipulated in the School Admissions Code, detail the specific application of this policy to the appellant's application, and explain the reasons why the admission of an additional pupil is not feasible and the potential prejudice that would ensue were the appeal to be upheld. The Panel Members may pose questions throughout the admission authority's presentation; however, appellants will only be permitted to ask questions upon the conclusion of the presentation. Questions from appellants at this juncture must be strictly limited to the information provided by the school and must not address the appellant's reasons for seeking admission to the school in question.

In instances of multiple appeals pertaining to the same school, all appellants will be present during Stage 1. Following the conclusion of all questions and the school's summary of its case, all parties will be required to vacate the hearing room to allow the Panel to deliberate and reach its initial decision.

At Stage 1, the Panel is mandated to consider and determine whether:

1. The school's admission arrangements (including the area's co-ordinated admission arrangements) were compliant with the mandatory requirements of the [School Admission Appeals Code](#) and Part 3 of the Schools Standards and Framework Act 1998; and
2. The admission arrangements were correctly and impartially applied in the specific case under consideration.

If the Panel is not satisfied that the school has adequately substantiated its case, the appeal must be upheld, the hearing will conclude, and the appellant's child will be admitted to the school.

Conversely, if the school has successfully demonstrated the probity of its case, and the Panel is satisfied that the admission authority has provided sufficient evidence to establish that the school is operating at its Published Admission Number (PAN), the hearing will proceed to Stage 2, and all parties will be invited to re-enter the hearing room. During Stage 2, the appellant will present their case articulating the reasons for seeking admission to the school. Following this presentation, both the Panel and the school will have the opportunity to pose questions to the appellant. The Panel Members may interject with questions during the appellant's presentation; however, the school representative will only be permitted to ask questions upon the conclusion of the appellant's presentation. Only the appellant and the school representatives will be present with the Panel during this stage. In cases of multiple appeals, all other appellants will be asked to leave the room during the presentation of an individual appellant's case to ensure the confidentiality of their personal reasons.

Following the appellant's presentation, the Chair of the Panel will provide both the appellant and the school with an opportunity to summarize their respective cases before all parties vacate the hearing room. The Panel will then deliberate and reach its final decision (except in cases involving multiple appeals, where a decision will be made for each appeal individually).

In the event of any adjournments during the hearing, the Clerk will ensure that both the appellant and the school leave and re-enter the hearing room simultaneously, ensuring that neither party is afforded private consultation with the Panel.

Scheduling and Location of Appeal Hearings

For appeals concerning entry in September, hearings cannot be scheduled until after the stipulated closing date for applications. These hearings are typically conducted between May and July. An appeal hearing will be arranged on a weekday during school term time and will usually be held in person at an alternative school within the locality or at another suitable local venue. The formal notification letter, dispatched at least ten working days prior to the hearing, will specify the precise venue for the appellant's hearing.

Appeals lodged after the designated deadline may not be able to be heard until after the commencement of the new academic year in September.

For our BCP Council schools, the Trust will arrange for appeal hearings to take place either at one of our Trust schools or, where appropriate facilities are accessible to all parties, may opt to conduct the hearing remotely via video conference.

For appeals concerning immediate entry from September onwards, appellants are requested to lodge their appeal at the earliest possible opportunity. The Trust aims to conduct such appeal hearings within 30 school days from the date the appeal is formally lodged. These hearings will be scheduled on weekdays during school term time.

Complaints Regarding Appeals

Should an appellant have a formal complaint regarding the administration of their appeal, and if they believe they have suffered an injustice as a consequence of maladministration, a formal complaint may be submitted to the Local Government & Social Care Ombudsman or the Education and Skills Funding Agency for investigation.

For the avoidance of doubt, maladministration pertains to procedural errors, demonstrable incompetence, acts of neglect, or evidence of prejudice, rather than the substantive merits of the admission decision itself.

BCP Council Schools

The School Appeals service operated by BCP Council no longer handles appeals for our academy schools. For main entry applications since September 2024, the Trust, as the statutory Admission Authority, assumes full responsibility for the coordination of admission appeals, commencing in the Summer Term of 2024. The Trust will directly coordinate all in-year admission appeals for its BCP Council schools. Please click here for BCP [Primary Appeals Timetable](#) to access the Primary Appeals Timetable for comprehensive information regarding Primary School places, specifically for Year R appeals for the academic year 2025-2026 (applicable to BCP schools within the Trust only). Please complete the [appeals form here](#) and send to info@initiolearning.org stating clearly in the subject line **Admission Appeal (School Name)** by 20th May 2025.

Further guidance on appeals can be found here:

[Department for Education - Advice for parents](#)

[School Admissions Appeal Code](#)