

Milton Keynes Secondary School Admission Appeals – Parents’ Guide 2024

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1. Your right to appeal

Parents can express a preference for a school for their child, but they do not have the right to a place at a particular school.

A school’s admission authority is responsible for allocating its school places.

If there are more applicants than school places available, the admission authority allocates the places according to its oversubscription criteria (rules) which are published on the school’s website.

If you applied for a place at a school and were refused, this is because the admission authority has allocated all its places according to the school’s published admission arrangements (or rules) and the school says it is full and to admit another child will harm the education of the other pupils.

The Department for Education advises parents: *“The appeals process can be burdensome for all involved, so admission authorities do not take lightly the decision to refuse a child a school place.... In most cases your child will not have been offered a place because there were other children who more closely met the school’s oversubscription criteria”.*

If you are a parent and you have applied for a school place for your child and the admission authority has refused your application, you have the right to make an admission appeal to an **Independent Appeal Panel**.

The Appeal Panel is made up of unpaid, trained volunteers who have no connection with the school, its admission authority or the local authority.

During the appeal, you can explain why you want the school place, and the admission authority will explain why it refused your application. The Appeal Panel will consider all the information provided by you and the admission authority (by relevant deadline dates) before it makes its decision. If you are successful, you will be offered the school place.

You are responsible for making your appeal, explaining why you want the school place to the Appeal Panel and for providing written information in support of your appeal.

2. Appeal success rates

Most appeals (about 90%) fail because the schools are already full and do not have the resources to admit additional children without harming the education of the existing pupils. Last year, 44 appeals were made for Ousedale, and 2 were successful.

So please think carefully before making your appeal. They are time-consuming and stressful for parents and expensive for schools.

The Department for Education says, in its advice for parents: “you should be aware that an appeal can prolong the period of uncertainty for parents and children, so it’s important to be realistic about your reasons for appealing and the chances of being successful”.

You are unlikely to be successful where you:

- do not live in the school’s catchment area
- have been allocated a place at another school (even if it is not one of your preferred schools) at a reasonable distance from home
- do not have exceptional medical, social or educational reasons for your appeal, supported by evidence
- want the school place as it would be more convenient for you (e.g. to make it easier for you to get to work or transport children to school.)

3. How to make your appeal

It is very important you read this guidance before you make your appeal.

You should contact the school directly (the Admissions Officer) to ask for an appeal form.

Please remember you cannot appeal for a specific school campus. You can only appeal for the school. If you are successful, the school / admission authority (not the Independent Appeal Panel) decides which campus your child will be allocated to.

You should complete the appeal form and then forward it to the Education Appeals Team at Buckinghamshire Council by email or post by the relevant deadline date.

Please remember:

- You can appeal for any school which you have applied for and been refused
- You can make an appeal as soon as your application for a school place is refused
- For each school you appeal for, you must complete a separate appeal form and there will be a separate appeal
- You cannot make two appeals for the same school in the same academic year.

THERE ARE IMPORTANT TIME LIMITS FOR MAKING YOUR APPEAL

For **Secondary appeals for Year 7, September 2024 entry**, if you are refused a school place on **1 March 2024** your appeal form must be received by the Appeals Team by **12 noon on 28 March 2024**.

We will do our best to ensure appeals submitted by 12 noon on 28 March 2024 are heard by the end of the summer term but regret that some appeals may be delayed due to panel availability and number of appeals.

Appeals made after 12noon on 28 March 2024 will be heard from September 2024 onwards.

For all other appeals, your appeal form should be received by the Appeals Team **20 school days** of the date you were refused the school place. The appeal will be heard as soon as possible depending on the availability of panel members and number of appeals.

See 2024 Appeals Timetable at section 15.

After you have submitted your appeal form, the Appeals Team will send you an **Acknowledgement Letter** with your unique **Appeal Reference Number**. **Refer to this number if you contact the Appeals Team, or a response may be delayed.**

If you do not receive this letter within 10 working days, please contact the Appeals Team.

Remember to:

- Keep copies of your appeal form and any other documents you send.
- **Tell the Appeals Team about any changes to your contact details, or your appeal may be delayed and you may not receive important letters including the decision.**

4. How to submit your appeal evidence

You must explain in writing on the appeal form why you want the school place.

You should also send the Appeals Team documents and written evidence in support of your appeal (by post, email or hand delivery).

We advise you to start collecting together the documents you want the Appeal Panel to see as soon as possible (as school holidays and closures may cause delays).

For all appeals – your evidence must be received by the evidence deadline date.

The Appeals Team will tell you the evidence deadline date when they write to you with the date and time of your appeal hearing.

If evidence or information is received late, the Appeal Panel is unlikely to see it, or your appeal may be delayed.

Please remember:

- **It is your responsibility to provide evidence in support of your appeal and on time**
- **The Appeals Team and the Appeal Panel cannot obtain evidence on your behalf**
- **Anything you send to the school or Milton Keynes Council is not automatically provided to the Appeals Team**
- **Do not re-send documents**
- **You should try to send your evidence with your appeal form**
- **Or send it as soon as possible afterwards and no later than the evidence deadline date**
- The Appeals Team will write to you with the deadline date for sending your evidence.

When you send your evidence, **do not send:**

- **original documents**
- **photographs of documents** (they cannot be copied)
- **highlighted documents** (copies will be illegible)
- **PowerPoint, video/other audio or visual presentations** (they will not be seen by the Panel)
- **letters of support from the school you are appealing for***
- **schoolwork or certificates**** (they will not be sent to the Appeal Panel)
- **evidence/documents/information after your appeal** (the Appeal Panel will not see it)

*You may send letters of support from your child's current or previous school

**You can submit a written summary of relevant certificates/achievements

When you send your evidence, please:

- number the pages and write your child's name on them
- write your reference number on documents sent separately from your appeal form
- use correct postage (if you are sending documents by post)
- provide documents in A4 size
- do not use staples or treasury tags, document wallets, files or file dividers.

5. What evidence should you submit?

You will need to say in your appeal form why you want the school place and provide documents in support, if possible.

For example,

- you need to focus on what you feel this **particular school** you are appealing for can offer your child that the allocated or other schools cannot.
- if you have medical or social or educational reasons for wanting the school place, provide written evidence from a doctor, medical practitioner, education or other professional.
- if you want a place at the school due to the subjects offered there or the school's ethos, explain why you particularly want these subjects or ethos.
- if your reasons are due to a house move, provide written evidence of exchange of contracts or tenancy. (Do not send us the whole tenancy agreement or contract; a first and signature page or solicitor's letter is enough).
- if you are unhappy with the current school, explain what has happened and what you and the school have done to deal with the problems, and provide supporting letters, emails and reports.
- if your reasons relate to transport, provide information and maps. However, please note that, under the law, it is a parent's responsibility to get their child to school.
- if your reasons relate to family circumstances, provide details and supporting evidence.

These are examples only and it is your responsibility to provide your evidence and documents in support of your appeal and send it to the Appeals Team on time.

You will need to show that there are exceptional reasons for wanting a place at the particular school as it is already full and considers it cannot admit another child without harming the education of the other children.

You should send your evidence when you submit your appeal form or as soon as possible afterwards by email or post and no later than the evidence deadline date or it may not be seen by the Appeal Panel.

The Department for Education advises parents: *“It’s important that you clearly set out the reasons why your child should have a place at your choice of school in both your written appeal and at the appeal hearing.*

You can make an appeal because you want your child to attend a particular school over any other, but the stronger your reasons the better chance you have of your appeal being successful.

For example, wanting your child to go to a particular school because it’s the best in the area is not likely to convince the panel that your child should get a place at the school over another child.

You should focus on what the school can offer that meets your child’s needs. This can include what the school can offer that other schools cannot and what the impact will be on your child in not attending the school of your choice.”

6. Your Appeal Hearing

Your appeal will be heard by the Appeal Panel remotely by video conference.

Appeals are scheduled to be heard according to the availability of the unpaid, trained volunteer Appeal Panel members. It is not possible to offer you a choice of date.

The Appeals Team will email you the date and time of your appeal hearing and other information no later than 10 days beforehand.

(At the same time the Appeals Team will tell you the date by which you should submit any extra information or evidence which you want the Appeal Panel to read. Late evidence is unlikely to be seen by the Panel.)

One appeal may involve two separate hearings which may be on two different days.

About a week before your appeal hearing, the Appeals Team will send copies of the appeal papers to you, the Appeal Panel, the Clerk to the Appeal Panel and the Admission Authority.

The appeal papers will include:

- your appeal form and the written evidence you submitted by the deadline date; and
- the admission authority's written case explaining why you were refused a place at the school
- an order of business explaining how your appeal will be heard on the day.

If you don't receive the appeal papers, check you provided your correct contact details on your appeal form. If you don't keep the Appeals Team informed about any changes to your contact details, you will not receive letters and emails. Contact the Appeals Team if you do not receive your appeal papers before the appeal hearing.

The Clerk to the Appeal Panel will email you the invitation (or invitations) to your appeal hearing (or hearings) a few days before the hearing/s.

If you don't receive the invitation/s, check you included the correct email address on your appeal form and check your junk folder.

At the appeal hearing, the admission authority will explain why it refused your application for the school place and how the admission of an additional child over the published admission number will harm the education of the existing pupils. The Appeal Panel will ask the admission authority questions about its case, and you will be invited to ask questions about the school case too.

You will then be invited to explain your reasons for appeal. The Appeal Panel and admission authority may ask you questions.

The Appeal Panel will make its decision after you and the admission authority have left the hearing.

The Appeal Panel will uphold or dismiss your appeal depending on whether it decides you or the admission authority have the stronger case.

You should let the Appeals Team know, as soon as possible, if:

- **You are not attending your appeal hearing. The Appeal Panel can make its decision after considering your written information**
- **You want to cancel your appeal. Time and costs can be saved**
- **You want the Appeals Team to arrange an interpreter**
- **You want help with accessing your remote appeal hearing.**

7. Appeal Decision process

There are usually two stages to the appeal process.

At Stage One, the admission authority will explain why the school place was refused and how the admission of an additional child would affect and prejudice (harm) the school, its resources and the existing pupils' education.

You will receive the school's written case about a week before the appeal begins. The admission authority may explain, for example, that the school has no places and cannot admit another child due to a lack of classroom space or teaching staff, health and safety concerns, numbers of pupils needing additional support, or the effect on behaviour or results.

At the appeal hearing, the admission authority's presenting officer will present the school case. Then the Appeal Panel and parents can ask questions about points raised in the school case.

If there are multiple parents appealing for a school, all of them may be invited to the Stage 1 hearing to hear the presenting officer explain the school case. All the parents will be invited to ask questions about the admission authority's case, but they should not raise issues about their personal reasons for appeal. (Parents will be invited to explain why they are appealing later at a private Stage 2 hearing).

After the Stage 1 hearing, the Appeal Panel will decide:

- Will the admission of an extra child prejudice (harm) the efficient education or use of resources at the school?

If the answer is NO, your appeal will be successful, and you will be offered a school place. (But if there are multiple appeals for the school and to admit all the children would seriously harm the education of the existing pupils, the Appeal Panel must go to Stage Two).

If the answer is YES, the Appeal Panel will go to **Stage Two**.

Usually, the appeal process will move to Stage Two, because schools demonstrate that admission of additional children over the published admission number will harm the education of the existing pupils.

At Stage Two, the Appeal Panel will consider your reasons for wanting the school place. The Panel will have read your appeal and supporting evidence and information. You will be asked if there is anything additional you want to say. You will be asked questions by the Appeal Panel and admission authority.

The Appeal Panel must then "balance the arguments" it has heard from you and the admission authority. It must decide if your reasons for wanting the school place outweigh the harm caused to the school if an extra child were admitted. It must decide if you or the school has the stronger case.

Whether or not you are successful will depend on the individual facts of the case.

For example, if the admission authority presents a weak case and the Appeal Panel thinks there will be little difficulty for the school if it admitted another child into the class, and you made a strong case showing your child has a convincing exceptional medical, social or educational reason for this particular school (which is backed up by written evidence), you are more likely to be successful.

But, you are less likely to be successful if the school's case is strong, (because the class is already large with some children with special needs affecting resources and there are staff shortages and health and safety concerns, for example), and your case is relatively weak because you want the school place as it would be more convenient for your work/getting children to school and there is another school place available within a reasonable distance from your home.

In **multiple appeals**, (where more than one parent is appealing for a place at the school), if the Appeal Panel finds that there are a number of children with strong cases, but the school cannot admit all of them, it will compare the cases. The Panel will uphold the strongest appeal/s and dismiss the rest.

8. In year / immediate entry appeals

You can apply for your child to start a school during the academic year, if you move into the area, or you want to move your child from one school to another.

If the admission authority refuses your application for the school place, you can make an appeal. This is called an "In Year" or "Immediate Entry" appeal.

You should make your appeal within 20 school days of the refusal and the appeal will take place as soon as possible, depending on the availability of panel members and numbers of appeals.

If you make an in year/immediate entry appeal, please read the advice in this guide which applies to all appeals made for the school.

9. Disability

If your child has a disability, you may want to discuss your appeal with their Headteacher and the Special Educational Needs Co-ordinator at the current school.

The Appeal Panel may be required to consider whether your child is disabled and whether there has been any discrimination within the meaning of the Equality Act 2010.

If you are a disabled person who requires reasonable adjustments so that you can participate in the appeal, please contact the Appeals Team as soon as possible.

10. Interpreter

If you require an interpreter to help you make your appeal, please email the Appeals Team as soon as possible and say which language you need. Alternatively, you can arrange your own translator or ask a friend to support you.

11. Waiting lists

Appeal Panels must not take into account where the admission authority has placed a child on the waiting list, or that appeals have not been made for other children on the waiting list. Appeal Panels must not make any decision relating to a waiting list. If you have any queries about waiting lists, please contact the school (not the Appeals Team).

12. Decisions

The Appeal Panel's decision is legally binding and final. It can only uphold or dismiss your appeal.

The Appeal Panel cannot:

- **Allocate a place at a particular campus / site, where the school has more than one campus / site**
- Enter into discussions with you or the admission authority
- Attach any conditions to the decision
- Hear complaints or objections about school's admission policies or practices
- Reassess the capacity of the school
- Tell the admission authority to change your position on a waiting list
- Allocate a place at a school other than the school appealed for.

A decision letter will be sent to you by first class post no later than 5 school days after the appeal decision is made, unless there is good reason.

Where there are **multiple appeals** for a school, which are likely to take place over some weeks, **decisions will be sent no later than 5 school days after all the decisions have been made for the school.**

We cannot give decisions over the telephone or by email.

If the Appeal Panel upholds your appeal and you are successful, you will be offered the school place. Make sure you contact the school to agree the date your child should start.

If the Appeal Panel dismisses your appeal and you are unsuccessful, your child will not be allocated a place at the school appealed for. You can the local authority to ask about spaces in other schools.

You cannot make a second appeal for the same school for the same academic year

13. Complaints & finding out more

If your appeal is unsuccessful there is no further right of appeal.

If you feel that your appeal hearing was not properly or fairly conducted, you can complain to the Department for Education (DfE).

Even though you may not be satisfied with the Appeal Panel's decision, the DfE can only investigate whether there has been a failure to follow correct procedures.

See: [School admissions: Complain about the appeals process - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/school-admissions-complain-about-the-appeals-process)

An Appeal Panel's decision can only be overturned by the Courts where a parent or admission authority is successful in applying for judicial review of that decision. You will need legal advice if you seek judicial review.

To find out more about admission appeals:

Contact:

- [Coram Legal Children's Centre](#), Community Legal Advice Education Law Line, for education legal advice for those eligible for Legal Aid. Tel: 0300 330 5485

You can also read: Advice for parents from the Department for Education here:

[Advice for parents and guardians on school admission appeals - GOV.UK \(www.gov.uk\)](#)

School Admission Appeals Code and School Admissions Code, published by the Department for Education, here:

[School Admission Appeals Code 2022 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/103114/school-admission-appeals-code-2022.pdf)

14. Contact School Appeals

The Appeals Team at Buckinghamshire Council arranges admission appeals for the school. If you need advice which isn't provided in this guidance, you can contact the Appeals Team for help.

If you contact the Appeals Team, provide:

- your name
- your child's name
- the school and year group you are appealing for
- your contact details
- the nature of your query
- your appeal reference number, if you have one
- your appeal hearing date, if you have one.

The Appeals Team aims to respond to queries within 48 hours, but delays may occur between March and July due to numbers of appeals.

Contact us about your appeal by email: [**appeals@buckinghamshire.gov.uk**](mailto:appeals@buckinghamshire.gov.uk)

Or by post: **Education Appeals Team, Buckinghamshire Council, Walton Street Offices, Walton Street, Aylesbury, Buckinghamshire, HP20 1UA.**

16. Admission Appeals Timetable 2024

DATE	EVENT
1 March 2024	Secondary Transfer Allocation Day
12 noon on 28 March 2024	Secondary Appeals Deadline – completed appeal forms must be <u>received</u> by the Appeals Team by noon on 28 March 2024
At least 10 school days before appeal hearing	Appeals Team sends parents notice of the extra evidence deadline date and the appeal hearing date and time.
May – July 2024	Secondary Admission Appeals heard
6 calendar days prior to start of appeal	Appeals Team sends appeal papers to parents, admission authority/school and panel members

No later than 5 school days of the appeal hearing or, in the case of multiple appeals, within 5 school days of the last appeal hearing	Decision letter is posted to parent/s and admission authority
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Note: We will do our best to ensure appeals submitted by 28 March 2024 are heard by the end of the summer term but regret that some appeals may be delayed due to panel availability and numbers.

Appeals made after this date will be heard from September 2024.

For late transfer or in-year appeals, your appeal form should be received by the Appeals Team **within 20 school days** of the date you were refused the school place. The appeal will be heard as soon as possible, depending on panel availability and numbers of appeals.