

Starting School 2025/26

Information for Parents/Guardians on the Appeals Procedure for Westbourne Primary School

Infant Class Size Appeals



If your child has not been offered a place at Westbourne Primary School, you have the right to make an appeal against this decision. You will be advised of the deadline for submitting an appeal.

Appeals are heard by three members of an Independent Appeal Panel who have received training on the appeals process.

Infant classes

For Infant Classes Reception, Year 1 and Year 2, the number of pupils is normally limited by law to a maximum of 30.

Admission applications can be refused if all of the school's Infant classes have reached their legal limit. You should note that in this type of appeal, the Appeal Panel has limited powers and is only allowed to consider whether:

- a) the admission of an additional child/additional children would breach the Infant class size limit;*
- b) the admission arrangements complied with the mandatory requirements of the School Admissions Code and the School Standards and Framework Act 1998;*
- c) the admission arrangements were correctly and impartially applied in the case in question;*
- d) the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.*

Parents should note that for an Infant appeal where the class will have 30 pupils, the Appeal Panel must consider whether the decision to refuse a place was “**reasonable**”, which is a legal definition as opposed to the dictionary definition (logical, sensible). Although a parent may, for example, claim that they cannot get **two or more children to different schools**; that the **school offered is too far away**; the school offered will **cause problems** with childcare or work commitments; **none of these are reasons** for an Appeal Panel to uphold an Infant appeal.

When will your appeal be heard?

You will be given at least 10 school days' notice of the date of your appeal hearing.

Appeals for the new intake must be heard within 40 school days of the appeal being lodged, or before the end of the summer term - whichever is sooner.

Appeals for late applications

Such appeals should be included with those being heard for the same admissions round. However, if this is not feasible, appeals for late applications must be heard within 30 school days of the appeal being lodged.

In-year admissions

For applications made outside of the timetabled admissions process, hearings must be held within 30 school days of the appeal being lodged.

At the appeal hearing, the admission authority's representative will explain the reasons why your application was unsuccessful.

The Appeal Panel must first consider whether the school's published admission arrangements comply with the mandatory requirements of the School Admissions Code. They must also decide if they were correctly applied in your child's case.

You will then have the opportunity to state why you are appealing against the decision.

If there is a statement in your appeal that you feel needs to be supported by an outside agency, it is your responsibility to provide the appropriate evidence. However, the Appeal Panel can only have regard to information that would have been available at the time of the application.

Any additional information to support your appeal should be provided in advance, as the Panel may have insufficient time to consider any evidence provided on the day of the hearing.

The Panel will listen firstly to the admission authority's reasons for being unable to offer your child a place, and must decide if this case is proven. It will then listen to your reasons for wanting a place at the school, and then compare both cases. If it finds that the admission authority's case is proven, your appeal will be denied. If it finds there has been an error in considering your application, it has the power to uphold your appeal. However, the Panel must bear in mind the limited reasons for upholding an appeal in the case of Infant Class Size Prejudice (as described above).

The decision

The independent Clerk to the Appeal Panel will advise you of the outcome in writing within five working days. If you are not successful, you can still ask for your child's name to be kept on a waiting list.

The decision of the independent Appeal Panel is binding both on the appellant and on the school.

If you are concerned that there was something wrong with the administration of the appeal, you have the right to complain to the Department of Education. The DFE, who act on behalf of the Secretary of State, cannot overturn the decision of an Appeal Panel but may decide to investigate a complaint if it considers there are sufficient grounds to do so.