

FAQs for School Appeals

My child has not been given a place at the school I applied for, what can I do?

You are entitled to appeal the decision to refuse your child a place at any school you named on your common application form. In most cases this will be because the school is full and there were other children who more closely met the school's oversubscription criteria.

How will my appeal be considered?

Due to the exceptional circumstances regarding the Covid 19 pandemic, the Independent Appeals Panel intends that your appeal will be conducted based on written submissions only. This decision has been made to ensure that all appeals for the school can be heard in a fair and consistent way, considering any National/regional lockdowns/restrictions, and that the appeals process will finish before the start of the usual summer break.

Therefore, your appeal will be considered using the written submission(s) you have made, and you will not be required to attend a meeting. It is important that you send in any information that you feel would support your case as the Panel will not be able to consider evidence if it is not submitted.

To assist with your case, the schools generic defence statement is available on their website setting out the implications of awarding additional spaces through the appeals process.

If you have an equality consideration that prevents you from providing a written statement and you do not have reasonable support to do so, you are to make the school aware at your earliest convenience. Although the Panel would have a duty to consider your reasons, there would need to be clear grounds for them to identify an alternative format for your appeal to be heard.

When will my appeal be considered?

For your appeal to be considered by the Thursday, 16th June 2022, you must submit your appeal between 1st March and 28th March 2022. For any appeals received after this time will be considered when reasonably possible.

Once you have submitted your appeal you will be told by the Clerk to the Appeals Panel when your case will be considered along with your appeal paperwork.

Who will consider my appeal?

Your case will be considered by an Independent Appeal Panel. There are usually 3 people on the panel, at least one member will have experience in education and at least one will be a lay person, they are independent of the school, Trust and Local Authority. They make the decision on whether to uphold or dismiss your appeal. If the Panel upholds your appeal the school must offer your child a place at the school. If the Panel does not uphold your appeal, then the school will not offer your child a place at the school.

There will also be a Clerk in attendance, they are independent of the school and are responsible for the administrative arrangements for the appeal, keep the official note of what is discussed and give independent and impartial advice on the appeals process and admissions law to the Panel Members.

How do I make an appeal?

Your appeal must be made in writing/email and the form and address details are available on the school's website.

What else should I do before I make an appeal?

You should also consider accepting any offer of a school place you receive to ensure that your child has a place should your appeal not be successful. Accepting another offer has no bearing on your appeal and the appeals process and does not limit other options available to you.

How do schools allocate places?

When a school receives more applications from parents than it has places available, not every child can be successful in securing a school place.

The school will use its admissions criteria, also known as oversubscription criteria, to decide which children to allocate places to, this sets out the order in which they will allocate places. Before you make an appeal it will be helpful for you to understand how the school allocated their places, so you can understand why your child did not get a place. You can do this by looking at the school's generic defence on the school's website.

What information does this school give to the Panel?

Here are some key questions and answers that the Panel would normally ask the school in relation to the school case. This information is given to the Panel. For further information please refer to the school's generic defence statement.

- How many appeals have been successful in previous years and did this result in the school having to exceed its Published Admissions Number?
 - The school received no appeals in the previous year
- How do the school organise the classes?
 - In year 7 there is an 8 form entry comprised of:
 - 2 Achieve pathway sets (Grammar band) following a dual language curriculum
 - 5 Endeavour pathway sets where students study one modern foreign language
 - 1 Achieve pathway a small provision for SEND pupils who follow a normal curriculum but receive extra English/literacy support
- How many additional students can be accommodated in each class without impacting the level of education received?
 - Zero (Following a request from Medway Council, the Principal has already agreed to a temporary maximum increase of 4-5 pupils for 2022/23 on national offer day taking our PAN temporarily to 215 maximum and therefore we cannot accommodate any further students)
- Are there any plans for the school to expand their facilities?
 - The school undertook internal re-configuration/building works, creating additional internal teaching spaces to ensure it could meet PAN, but no additional works beyond this are planned/possible, without a financial contribution from Medway Council. Any further plans for 2022/23, involved external additional building work have been ceased due to lack of additional funding available from Medway Council, confirmed as at February 2022. Therefore, until additional funds become available (expected in 2023) there is no possibility of additional space/buildings being established on Victory Academy site.
- How do you measure the home/school distance and how do you ensure it is correct?

- GIS mapping system used by school admission and transport team – provided by Medway LA
- If the Panel decided that the school could admit additional pupils, what would be the impact on the school, in particular in relation to Health and Safety issues?
- Specialist teaching spaces such as science labs, DT workshops, cookery lab, art rooms would be overcrowded and breach the CLEAPPS guidance safe operating numbers. Kitchen labs for food/hospitality lessons have only been fitted out with 15 cookers/hobs which already require 2 students to share in every lesson – expected 3 to share facilities would be a health and safety risk, due to increased risk of accidents.
- Any additional students would be required to sit in classroom entry/access walkways preventing safe fire evacuation/a breach of health and safety regulations. This would also prevent teachers circulation around the classroom and prevent them providing individualized support/verbal feedback during lessons. Dependent on the needs of students in class, the school may be required to provide SEN/LSA support for one or more students in class and additional students would prevent any space for this support.
- One ICT suite has only space for 15 computers, so can only be used for 6th form/A level groups, which restricts its use/timetabling of KS3 and KS4 classes. Other IT classrooms have a maximum of 30 computers in each and cannot accommodate additional power/data/network points without full rewiring which is a significant financial cost. .
- P.E. and performing arts changing facilities would be overcrowded/used by multiple classes at the same time. This would cause long delays at start/end of lessons, less learning time and additional security challenges with individual's property and would be above the national association of P.E. requirements for changing space.
- Dining hall spaces would be above capacity for pupils to access food at social times, resulting in students not getting served food within the designated period due to long queues. Alternatively the school would have to request specific year groups move to packed lunch only provision for those who can't access the dining hall. This is not possible due to the number of Free School Meals requiring hot food options for a large percentage of our students.
- Standard class room square footage supports a max of 30 students per class and additional admission would not be possible due to lack of space for additional pupil furniture in classrooms and limitations on circulation.
- The school considers that going beyond this figure would be detrimental to the education of others and would compromise the efficient use of resources. A figure of 210 would give 7 classes of 30 (with the exception of DT where for safety reasons we have classes of no more than 19 students) so any more than this would make accommodating students in classes highly challenging. Without additional buildings the school cannot accommodate further increases in its PAN.
- The school had plans to expand its specialist teaching spaces in science by converting classrooms to additional lab space, but this phased approach over several years has ceased due to funding not being available. .
- Specialist spaces such as science labs and DT workshops have a set number of fixed benches which cannot be increased. We therefore cannot increase class sizes beyond our current maximum without compromising health and safety. .
- The school is made up of a single square building with a courtyard in the centre. Newly built/converted classrooms have had to be constructed/renovated within the original footprint/building restrictions. This has resulted in a number of rooms including maths, humanities, some computer rooms, etc. failing to meet the space requirements of new build classrooms (49m² instead of the recommended minimum of 53m²). Space is very limited and the majority of these classrooms have been converted to fit 15 double desks for students and 1 teacher area/desk only with space for 1 LSA/SEN support teacher to work with support students in class. Therefore, we do not have sufficient space or furniture necessary to host over 30 in a class.

- What strategies are you able to put in place to ease the problem?
- We have already put a number of strategies in place to ensure we can meet support our published PAN, including phased lunch entry times for year groups and allocating designated areas at social times. A feasibility study carried out has shown that our building structure did not support us meeting our LA agreed PAN. As such The Victory Academy has already undertaken internal building reconfiguration work, including the creation of new specialist teaching spaces to allow us to have adequate facilities to meet our PAN. There are no further building works planned as there is no additional internal space that has not already been repurposed and Medway LA have agreed a reduction in PAN as opposed to additional new school buildings at this point.
- Any additional internal reconfiguration of corridor space negatively affect the movement of students around the school and would still require repositioning to all lighting, smoke detections, roof panelling/access points in addition to internal building works which would be prohibitively expensive, without additional funding be allocated to the school.
- At this point there is no further action the Academy can take to ease these problems.

What information should I give to the Panel?

It's important that you clearly set out the reasons why your child should have a place at your choice of school. As your appeal will be conducted as a paper based exercise only and there will be no further opportunity for the Panel to ask you any individual questions in relation to your case.

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. 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
- what the impact will be on your child in not attending the school of your choice.

Every school has a Published Admission Number (PAN). The PAN is the maximum number of pupils that they will admit to each year group. You may believe that the school could take additional pupils, if so, you could ask the school to provide you with information to help you make your case.

You can also appeal if you believe that the admission authority did not apply their admission arrangements properly and if they had applied them properly, they would have offered your child a place at the school. You should explain why you believe this is the case and refer to the part of the admission arrangements that you believe has not been applied properly.

You may wish to incorporate answers to some of the following questions that Panel Members would usually ask when relevant. Remember, there will be no further opportunity for the Panel to ask you any individual questions in relation to your case.

- Have you visited the school?
- What did you like about the school?
- When you looked round other schools what was it about **this** school that makes you believe it's the right/only school for your child?
- What can the school you want provide for your child that the offered school cannot?
- How will you get your child to the school allocated?
- What's the journey like to the school allocated?

- Are there any health/equality act issues raised in the case?
- What are the problems you will face if he/she does not get a place at the school?
- What support do you have locally?

Is there anything that the Panel will not accept?

Yes. Examples of school work your child may have undertaken will not be accepted as the Panel will not be able to make a proper judgement about its quality. The members would have nothing to measure it against and would not know the depth of the work submitted. Also, they would not know whether the work had been carried out unaided.

Where do I send my appeal?

You must submit your appeal directly to the school in the first instance either by email or post. Your appeal form **must not** be sent to your Local Authority.

Can I submit additional evidence after the deadline submitting my appeal?

It is suggested that you provide all of your information at the time of appealing, however if you cannot send all the information and supporting evidence you want to at the time you submit your appeal, it's important you send it at your earliest convenience.

You will be supplied with a copy of all of your case papers at least 10 calendar days in advance of the date when the Panel will meet to decide your appeal. At this time you will be issued with all documents relating to your appeal, including the individual statement as to why a place was not offered to your child. Within the first 5 calendar days of these papers being issued to you, you will have an opportunity to add any further information. After that time no further addition information can be received as the Panel would require sufficient time to consider your case.

All paperwork will be issued to you electronically via Microsoft Teams and further instructions will be issued to you nearer the time.

What happens at an appeal hearing?

Firstly, the Panel must decide if the school's admission arrangements were correctly and impartially applied in the child's case and decides whether "prejudice" would arise were the child to be admitted.

For the second stage the Panel will consider and balance the prejudice to both the school and the appellant, based upon the school's defence statement.

Decision Making

The Panel will then discuss and make a decision to either uphold or dismiss your appeal. They will weigh up your case for wanting your child to attend the school against the school's arguments for not being able to admit another child. The Panel will uphold your appeal if it finds that the negative impact on your child of not attending your preferred school outweighs the case put forward by the school's case as to why it cannot admit any more pupils.

When will I be told if my appeal has been successful?

You will receive notice of the outcome electronically via Microsoft Teams.

The Clerk will normally provide this link to you within 7 calendar days to notify you of the Panel's decision. If the Panel is hearing a large number of appeals, this will be 7 calendar days after the last appeal is considered.

The decision of the Appeal Panel is binding and only the courts, by way of a judicial review, can overturn a decision.

If the Panel upholds your appeal the School must admit your child.

If the Panel does not uphold your appeal you still have a number of options you may wish to consider.

If the panel does not uphold my appeal what else can I do?

You may wish to put your child's name on the school's waiting list (if you have not already done so), even where you have accepted a place at another school. Schools must operate a waiting list for at least the first term of each school year of admission (until 31 December) Children who are on the waiting list are ranked by how closely they match the school's oversubscription criteria, not how long they've been on the list.

It's your responsibility to secure suitable education for your child and you may want to seek an alternative school place. If your child is without a school place, contact your Local Authorities Admissions Team depending on where you are located, who will be able to advise and inform you of other available places in the area.