

**If you have been unsuccessful in securing a place for your child at a Merton community school that you have applied for, you have a right to appeal to an independent appeal panel. This leaflet gives advice on the process.**

If you wish to appeal for a place at an Academy, a voluntary aided (Church) school, or a school outside the London Borough of Merton, you should contact the relevant school or local authority and ask them how to lodge an appeal.

There is no right of appeal for a nursery place in Merton's schools.

## How to appeal

If you wish to appeal for a place at any of Merton's community schools, you can download the appeal form, or complete an online form, both available on Merton's website [www.merton.gov.uk/admissions](http://www.merton.gov.uk/admissions).

The completed form can be returned by email to: [admissions@merton.gov.uk](mailto:admissions@merton.gov.uk) or by post to:

School Admissions Team  
CSF Department  
Merton Civic Centre  
London Road  
Morden  
SM4 5DX.

## Timetable for appeals

The Merton website gives full details of the Year 7 and Reception appeals time-table. They must be considered within 40 school days of the appeals closing date.

Appeals for an in-year application to an existing year group must be considered within 30 school days of it being received.

## The appeal form

When completing your form, please give as much detail as you can about why you are appealing for a place at a particular school.

If there are any dates you cannot attend an appeal, please give details. Efforts will be made to avoid those dates.

You may request an interpreter on your form.

## Useful Links

### Department for Education

<http://www.education.gov.uk/schools>

### Coram Children's Legal Centre

<http://www.childrenslegalcentre.com/>

08088 020 008 (Mon – Fri 8am – 6pm)

## The independent appeal panel

Appeal panels comprise a minimum of three members. They are not connected with the local authority or the schools involved in your appeal. They are volunteers and give their time freely in order to assist with the appeals process. All panel members are fully trained before they sit on panels.

## Administration of appeals

Your appeal, once lodged, will be passed to the Democratic Services Team, who arrange and clerk the appeals.

The clerk to the independent appeal panel will organise the appeals. They are heard during office hours on Monday to Fridays, usually in Merton Civic Centre.

You will be given at least 10 school days notice of the date and time of your appointment. You will be also be advised of the names of the panel members who will consider your appeal, and you will be sent a *case statement* which explains why your child was not given a place at the school of your choice. You will also be given a deadline by which you must submit any extra information you would like to put before the panel.

## What happens at the appeal hearing

At the appeal, all parties have the right to attend and you have the right to be represented or to be accompanied by a friend.

The hearing is kept as informal as possible. The panel will hear from the local authority and then from you or your representative before making a decision. You will have the opportunity to ask questions and respond to the local authority case.

The same panel will, if possible, hear all the appeals for a particular school. They will not make their decision until after they have heard the last appeal. You will be notified in writing of the decision.

## The decision

A panel can only allow or refuse an appeal. They have no influence on your child's position on the waiting list for a school.

The appeal panel's decision is binding and can only be challenged via a judicial review.

The Local Government Ombudsman may consider a complaint of maladministration (i.e. the way your appeal was dealt with).

In some instances the Secretary of State may consider whether the panel was correctly constituted and if the panel acted reasonably.

## Appeals for Reception, Year 1 and Year 2 (infant class)

If you are appealing for a place for your child in Reception, Year 1 or Year 2, please note that the law limits the number of pupils in an infant class with one qualified teacher to a maximum of 30, and restricts the grounds on which an appeal panel can allow an appeal.

**In this type of appeal, the panel can only offer a place to your child where it is satisfied that either:**

1. The admission of an additional child would not breach the infant class size limit of 30 children; or
2. The admission arrangements did not comply with admissions law or were not correctly and impartially applied, and your child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
3. the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case. (i.e. the decision was perverse in the light of the admission arrangements, beyond the range of responses open to a reasonable decision maker, or so outrageous in its defiance of logic or accepted moral standards that no sensible person applying his mind to the question could have arrived at it).

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# School Appeals

## Appealing for a place in a Merton Community School