



**ADMISSIONS APPEALS  
BOOKLET**

Dear parent

We are sorry that no place was available for your child at Ark Academy. As you will know, the school is incredibly popular locally, with more applications than places available.

We would love to be able to welcome more children to the school each year but, for the reasons set out in this document, we are unable to do so.

In common with all Ark schools, we are bound by the Admissions Code 2014, a Government document that sets out how school admissions must be processed. We work closely with the Local Authority to ensure that our admissions processes are fair, compliant and that our admissions policy is upheld. If we could not offer your child a place this year, it means that the children who were offered a place had greater priority, as set out in the oversubscription criteria. This generally means that children either had a sibling at the school, or lived closer.

This document answers some of the most common questions that parents ask at this stage and explains the appeals process. It is important that you read it carefully before deciding whether or not to proceed with an appeal. Appeals can prolong the uncertainty a child faces about his or her next school, so it is important to be realistic about why an appeal is being made and how likely it is to succeed.

In 2017, the last **Reception** child to be offered a place lived **549.44m** away from the school.

In 2017, the last **Yr7** child to be offered a place in **Zone A** lived **887.12m** away from the school. The last **Yr7** child to be offered a place in **Zone B** lived **792.78m** away from Fawood Children's Centre.

We hope that your child has received an offer from a good school and will go on to be happy there. Please accept our best wishes for his or her ongoing education and thank you for your interest in our school.

Yours sincerely

Ark Schools Admissions

### **Why was my child not offered a place?**

The reason that your child was not offered a place will be stated on the letter that you received. In the **main round** of admissions, this will be because all of the available places were offered and your child lives further away from the school than its last admitted distance.

If you have made an **in-year application** and this has been refused, it will usually be because the year group to which you have applied is full and no spaces are available.

The law also allows schools to refuse admission to in-year applications who present challenging behaviour, where the school does not believe it can accommodate those needs. In these circumstances, the school will refer the application to the Local Authority's Fair Access Panel, who will decide on a suitable school place.

### **What is an appeal?**

An appeal against a decision not to offer your child a place is an opportunity for you to make a case to an independent panel. It is not a second chance to apply.

The independent panel will consider two main questions:

- Was the school's decision made properly and in accordance with admissions law and its own policy?
- Are your child's individual circumstances so exceptional that it would be worse for him or her not to have a place at a *specific* school than it would for that school to accept an additional child? This is called the balance of prejudice test.

Ark schools' main round admissions are co-ordination by the Local Authority, using advanced software to measure distances. Ark Schools operates a robust system of oversight to prevent any maladministration of its admissions processes. In the last three years, **no** appeals have been upheld on the basis that the school incorrectly applied its admissions processes.

### **How likely is my appeal to succeed?**

The Government publishes statistics on national success rates for appeals [here](#).

Across the Ark Schools network, in 2017, just 9% of appeals were upheld for Yr7 entry. **No** appeals were upheld for Reception entry.

For **Yr7** entry to Ark Academy, the figures for recent successful main round appeals are given below.

	2015/16	2016/17	2017/18
Number of successful appeals	1	0	1

In any case where an appeal was upheld, exceptional circumstances pertained.

An independent appeals panel has not upheld any appeals for a Reception, Yr1 or Yr2 place since the school was established. In the last three years, no main round appeal for a Reception place has been upheld at any school in the Ark network.

### **What does an appeal cost?**

You will not be charged for appealing. However, each appeal costs the school an average of between £150-200 and this is money taken out of the budget for its existing pupils. On top of this, considerable staff time is put into arranging and presenting at appeals.

### **Infant class size appeals**

The law states infant classes of 5, 6 and 7 year olds may not normally contain more than 30 pupils with a single teacher. As such, there are limited grounds in which an appeal for an infant class will be successful. There are only three grounds on which infant class size appeals can be upheld.

1. If the panel finds that the admission of additional children would not breach the infant class size limit.
2. The panel finds that the admission arrangements for the school did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied. *Here, the panel must be satisfied not only did the arrangements not comply with admissions law or were not correctly and impartially applied but also the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied.*
3. The panel decides that the decision to refuse admission was not one which a reasonable admission authority would make in the circumstances of the case. *Please note that the law defines 'unreasonable' very narrowly in these cases and it means a decision which was "perverse in the light of the admission arrangements", i.e. it was "beyond the range of responses open to a reasonable decision maker" or a decision which is "so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind could have arrived at it.". The panel must use the legal definition of 'unreasonable', and not their own personal definitions.*

If the panel decides that the answer to any of the above categories is yes then your appeal may be allowed. Otherwise your appeal will be refused. Please note that the panel may also take into account the practical consequences for the school and the children in relevant infant classes if any or all the appeals were to be successful.

## **On what grounds can I appeal?**

You are not limited in the grounds on which you can base an appeal. If you can demonstrate that there has been a failure correctly to apply the school's admission policy, then your evidence will be considered at Stage 1 of the appeal. If you are appealing because only this school can meet your child's exceptional needs, then the independent appeals panel will consider this evidence.

Below are some common reasons that parents give for appealing which do not support a parent's case. This does not mean that you cannot put them forward, but you should be aware that they are unlikely to persuade a panel to override the school's decision.

- The school is the best in the area. The panel will understand your disappointment at not being offered a place, but the appeals process is not an opportunity to make a second application.
- My child is very able and will be a credit to the school. Our schools are not academically selective, so cannot take academic ability into account. The school wishes that it could offer places to all the children that want to attend, but has to make its decision on the basis of the objective criteria set out in its admissions policy.
- This is the closest school to me. At popular schools with small last admitted distances, it is often the case that it cannot offer places to families who relatively close by. Places are allocated to children based on their distance from the school, not each school's distance from the child's house.
- Children who live further away got in to the school. This will be because those children have a higher priority in the published oversubscription criteria. For example, they might be Looked After Children or a sibling of someone already at the school. The last admitted distance to the school changes each year – it usually gets smaller as the school improves and more children come in under the sibling criterion.
- My child's cousins or friends go to the school. According to our policies, the only connection to other children that schools are allowed to consider are siblings. We recognise that it would be easier for a child to attend the same school as his or her friends and wider family members, but it would not be lawful for us to consider this information.

## **My child does not have another school place. What happens now?**

An appeal cannot be upheld solely because you have not taken up the offer of another place – the panel will consider whether other schools in the local area could provide a place for your child.

Given the low rate of success, described above, we strongly advise you to contact [Brent Council](#) to enquire about vacancies at other schools.

## **The appeals process**

Your appeal is made to Ark Schools, who then commission an independent clerk and panel to manage the case. The clerk will write to you, setting out the time and date of your appeal hearing. In the main round, you might be asked to attend both a Stage 1 hearing for all parents who have appealed and a Stage 2 hearing to present your individual case to the panel.

At Stage 1, the school's presenting officer will set out why it was not possible to offer more places than they did. You will have the opportunity to ask questions, as will the independent panel.

At Stage 2, you will be asked to set out why your child's exceptional circumstances mean that the independent panel should overturn the school's decision. The panel will ask you questions about this and the school will also have the opportunity to do so.

The clerk to the panel will write to you as soon as possible after all appeals have been heard to notify you of the decision. Where appeals go on for a number of days, this might delay your notification letter – the clerk should let you know that is likely to be the case.

## **How to make an appeal**

If you believe that you can demonstrate either that the school's admissions process was improperly applied, or that your child has exceptional circumstances that would warrant admission, you can make an appeal using the appropriate form below:

For primary appeals, please use this form: <https://arkonline.tfaforms.net/13>

**NB – you will be asked to certify that you have read Ark Schools' guidance on infant class size appeals if you are appealing to Reception, Yr1 or Yr2. Please see above.**

For secondary appeals, please use this form: <https://arkonline.tfaforms.net/14>