

# NEST appeals process

If you are not offered a place for your child at your preferred school, you have the right of appeal under the School Standards & Framework Act 1998.

## Appeals 2024

All NEST Primary, Infant and Junior schools and academies are responsible for their own appeal arrangements. If you wish to register your intention to appeal, you should contact the school by Wednesday 15 May 2024. The time for appeals is published on the school's website.

Appeals can only be held when a school is full, having reached its published admission number. Places are not reserved for appeals – a successful appeal means that the school will be required to take the pupil over its admission number.

Appeals will be heard by independent panels during the Summer Term 2024 and each case will be considered individually on its merits. Only appeals that meet the criteria set out in the Admissions Policy are ever successful.

### Current Appeals Procedures

The conduct of an Appeals Panel is governed by the Department for Education School Admissions Appeals Code of Practice. The following is a summary of current procedures:

- An appeal must be submitted in writing setting out the grounds on which it is made.
- Parents must be given the opportunity to attend and speak at the Appeal Panel's meeting.
- The appeal will be held in private and be conducted in an informal atmosphere.
- The Appeal Panel will weigh-up the case submitted by the parent/carer against the case made by the school (which is normally that the school is full and to admit more pupils would cause prejudice).
- The Appeal Panel's decision is binding on the Authority and the school. If you consider that the Panel acted improperly or unreasonably in handling your case, you can make a complaint to the Department for Education [www.education.gov.uk](http://www.education.gov.uk)

### Key Stage 1 - Infant appeals

The law states that infant classes must be limited to a maximum of 30 children which has an impact on how an appeal is considered.

There are only certain circumstances under which an appeal panel can uphold a Key Stage 1 appeal and if an appeal does not satisfy any of these conditions, then it cannot be upheld in favour of the parent/carer.

The panel may only uphold the appeal at the first stage where:

- a) it finds that the admission of additional children would not breach the infant class size limit or
- b) it finds that the admission arrangements 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

or

- c) it decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

**We would encourage you in the first instance to discuss your case informally with a member of the Senior Leadership Team at the school.**

**Independent appeal advice** is available from ACE (Advisory Centre for Education). Information, including their Appealing for a School booklet, can be downloaded from the website [www.ace-ed.org.uk](http://www.ace-ed.org.uk) or you can speak to an advisor on 0300 0115 142 Monday to Wednesday 10am-1pm term time only.

**An appeal panel's decision is binding.** If you consider that the panel acted improperly and unreasonably in handling your case, you can make a complaint to:

- For Academies:  
Academy Independent Admission Appeal Panel Complaints  
[www.education.gov.uk](http://www.education.gov.uk)