

Kimberley Primary School & Nursery

Published admission appeals timeline for September 2024

If your child was not offered a place at Kimberley Primary School on the National Offer day (17th April 2024), you have the right to appeal this decision, to an independent appeals panel.

How to lodge an appeal	<p>Write to: Kimberley Primary School, Swingate, Kimberley, Nottingham NG16 2PG</p> <p>Or Email: office@kimberleyprimary.org</p> <p>A 'Notice of Appeal' form will be sent to you upon receipt of your request. You will need to return your completed Notice of Appeal by Thursday 16th May ,2024 (10am). Appeals received after this deadline will be heard within 40 school days of the deadline for lodging appeals, where possible, or within 30 school days of the appeal being lodged with the school.</p>
What to include with your appeal form	<p>Please complete your appeal form carefully making sure all contact information included is correct as we will use this information to tell you when your appeal hearing is and what the appeal panel's decision is. If you move home during the appeal process, remember to let us know.</p> <p>You need to make sure that you include all of your reasons for wanting a place at the school and explain your reasons as fully as possible in the 'reasons for appeal' section of the form. The information you include here is very important as this information will be sent to the appeal panel, clerk and presenting officer from the Admission Authority in advance of the hearing and is part of your case to the appeal panel.</p> <p>Please remember that you are appealing for a place at the school you have been refused, rather than appealing against the place you have been offered.</p> <p>You should attach copies of any written supporting information which you would like the appeal panel to consider at your appeal hearing. You can also choose to send information to us at a later date, up to 10 days before your appeal hearing.</p> <p>Please ensure your submission and any supporting evidence does not give any personal information about someone else who is not relevant to your appeal. For example, the details of a landlord on a tenancy agreement. If you have any doubt about the details of someone else being provided with your appeal, please contact us for advice. Kimberley Primary School is committed to protecting your privacy and ensuring all personal information is kept confidential and safe.</p>
The Appeals process	<p>Having received, logged and acknowledged your appeal, we will make arrangements for your appeal to be heard by a panel of three independent members. In arranging your appeal, we will, wherever possible take account of your availability provided on the appeal form, however it may not always be possible to do this.</p> <p>The appeal may be held face to face or virtual. However, if there are reasons why you cannot participate in a remote hearing, the panel may agree to your case being dealt with using the written information you have provided. We will contact you to discuss this further. If the panel does agree to your case being dealt with using the written information provided you will be sent guidance on how this process will work.</p> <p>At least 14 days before the hearing we will send you an appointment letter with the date and time for your appointment with the appeal panel. The letter will give you the names of the panel</p>

	<p>members who will be hearing your appeal. If you think you have a connection with any of them, please let us know as soon as possible.</p> <p><u>As you are appealing for a Reception class your appeal is to be heard as an Infant Class Size or Future Infant Class Size appeal. This means there are limited grounds the panel can consider.</u></p> <p>Please read below.</p>
<p>Infant Class Size</p> <p>Please read carefully before appealing a decision</p>	<p>The Law states that in infant classes there must be no more than 30 pupils per teacher. If this applies to the school in either the academic year you are appealing for or in future infant academic years, then your appeal will be dealt with as an Infant Class Size Appeal/Future Infant Class Size Appeal.</p> <p>In Infant Class Size appeal hearings, the appeal panel is essentially reviewing the Admission Authority's decision to refuse a place at the school in question. (Based on the information the Authority had available at that time.) The appeal panel doesn't have the flexibility to say that your personal circumstances mean you should have a place at the school if this would take the number of children in the class to over 30. This makes Infant Class Size appeals different to other school admission appeals.</p> <p><u>The grounds which an Appeal Panel can legally allow an infant class size appeal are limited to the following four grounds:-</u></p> <ul style="list-style-type: none"> • Admitting additional children would not breach the infant class size limit (there are not 30 children per fully qualified teacher in the year group). • Your child would have been offered a place if the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998 had been applied correctly (i.e. something unlawful in the arrangements meant your child didn't get a place they would have got had the arrangements been lawful.) • Your child would have been offered a place if the admission arrangements had been correctly and impartially applied in your case (i.e. there has been an error in how your application was processed which meant your child wasn't given a place that they would have got had the arrangements been correctly applied.) • The decision was not one which a reasonable Authority would make in the circumstances of the case. The threshold for an unreasonable decision is very high and would be one that is perverse. (e. completely illogical or irrational, taking into account all the relevant facts of the case so that no Admission Authority looking at the case would have ever refused it.) <p>The Local Government Ombudsman has published a factsheet on complaints about Infant Class Size appeals which provides useful information to parents regarding the limitation of Infant Class Size appeals. http://www.lgo.org.uk/make-a-complaint/fact-sheets/education/infant-class-size-appeals</p> <p>In this factsheet, the Ombudsman states that "a decision that makes it impossible for you to transport all your family to school on time, or even impossible for you to continue working, is very unlikely to be perverse. The courts have established this."</p> <p>As the question of reasonableness relates to whether the decision made by the Admission Authority to refuse admission was unreasonable, the Panel will consider what information the Admission Authority had available to it at the time when it made the decision to refuse.</p>
The appeal hearing	<p>For applications made in the normal admissions round, our appeals will be held in two stages:</p>

	<p>Stage 1 - School's case</p> <p>All parents who have lodged an appeal will be emailed a copy of the school's case.</p> <p>The Presenting Officer will answer all the questions submitted by the appellants and the panel. The responses will be emailed to all appellants and the panel members.</p> <p>Panel meet to review the case and make decision on whether to uphold the school's case. This decision will be confirmed by email, once received from the Clerk. Provided the independent appeals panel is satisfied that prejudice has been proven, your individual appeal will now take place via zoom or written communication.</p> <p>Stage 2 - Parent's case</p> <p>Stage 2 Individual appeal hearings will now take place via a virtual meeting. Parents will be given the date and time of their individual appeal no less than 10 days before the hearing. If you are a keyworker with time restrictions, please advise details on the form at Stage 1.</p> <p>If you do not have the access to technology, we can organise for you to attend the school and use a meeting room with access to a laptop. Alternatively, your appeal will be conducted using the written evidence that you have provided, any further evidence can be submitted by email prior to the appeal.</p>
Appeal outcome	Parents will be notified, in writing as to the outcome of the appeal.