



Ark Elvin
Academy

ADMISSIONS APPEALS INFORMATION BOOKLET

Dear Parent

We realise that you are disappointed that a place was not available for your child at Ark Elvin Academy. The academy is a popular choice, which results in more applications than places available. We would like to be able to welcome more children to the school each year but, for the reasons set out in this document, we are not able to do so.

All Ark Schools must comply with 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 means that the children who were offered a place had greater priority, as set out in our Admissions Policy and oversubscription criteria. For example, they may have a sibling at the school, or live closer.

If you would like any further advice on how the school's waiting list operates, or admissions generally, please contact the school admissions officer on admissions@arkelvinacademy.org.

This document answers some of the most common questions that parents ask and explains the appeals process. Please read carefully before deciding whether to proceed with an appeal.

Thank you for your interest in our school and please accept our best wishes for your child's ongoing education.

Yours sincerely

Rebecca Curtis
Principal

Why was my child not offered a place?

The reason that your child was not offered a place was set out in the letter you received on national offer day. The children who were offered a place had greater priority, as set out in our Admissions Policy oversubscription criteria. For example, they may have a sibling at the school, or live closer to the school.

Ark schools' main round admissions are co-ordinated by the Local Authority, who use advanced software to measure distances.

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

What is an appeal?

If you applied for a place and were not offered one, you have the right to appeal against this decision. Please note however that appeals can only be upheld in very specific circumstances. **It is not a second chance to apply.**

Your appeal will be heard by an independent panel of three people who 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 them 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.

The appeals timetable dates are set out below:

| | Offer Date | Deadline for lodging an appeal |
|------------------|----------------------------|---------------------------------------|
| Secondary | 1 st March 2022 | 31 st March 2022 |

Appeals will be heard within 40 school days of the deadline for lodging an appeal.

How likely is my appeal to succeed?

As already mentioned, appeals can only be upheld in very specific circumstances.

In 2021 4% of Ark schools appeals were upheld - 9 for Yr7 (Secondary) entry and none for Reception (Primary) entry.

For Yr7 entry to Ark Elvin Academy, the figures for successful main round appeals are given below:

| Academic Year | 2019/20 | 2020/21 |
|-------------------------------------|----------------|----------------|
| <i>Number of successful appeals</i> | 0 | 0 |

If an appeal was upheld, it was due to exceptional circumstances.

What does an appeal cost?

You will not be charged for appealing against the decision not to offer your child a place. Each appeal costs the school an average of between £150 to £200, which comes out of the resource budget for its pupils.

Infant class size appeals

The law states **infant classes may not contain more than 30 pupils** therefore there are limited grounds in which an appeal for an infant class will be successful. These are:

1. The panel finds that the admission of additional children would **not increase** 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 applied and that the child would have been offered a place if the arrangements 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' as a decision which was "perverse in the light of the admission arrangements and beyond the range of responses open to a reasonable decision maker'. The panel must use the legal definition of 'unreasonable'.

On what grounds can I appeal?

You are not limited on the grounds on which you base an appeal, however, please be aware that the panel will only uphold an appeal in very specific circumstances. You would need to demonstrate that:

- the admission arrangements have not been properly followed
- the admission criteria do not comply with the [school admissions code](#)

Below are some common reasons that parents give for appealing, but which 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 do not consider academic ability when offering places.
- *This is the closest school to me.* For popular schools it is often the case that the school cannot offer places to families who live relatively close by. Places are allocated using information on distance provided by the local authority.
- *Children who live further away were offered a place.* This will be because those children have a higher priority in the published oversubscription criteria. For example, they might be a sibling of someone already at the school.
- *My child's cousins or friends go to the school.* According to our admission policy, 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 their friends and wider family members, but it would not be lawful to consider this information when allocating places.

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

It is the local authority's responsibility to ensure that every child has a school place and we strongly advise you to contact your local authority to enquire about vacancies at other schools.

The appeals process

Your appeal is made to Ark Schools via an online form; an independent clerk will then manage the case. Once the appeal deadline date has passed, all appeals have been checked for eligibility and panel dates have been confirmed, the clerk will write to you with further information. **You will therefore not hear from the clerk until after the appeals deadline and once hearing dates have been confirmed.**

The hearing has two stages:

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 may also do so.

The clerk will write to you with the outcome no later than 5 school days *after the last appeal has been heard*.

How to make an appeal

Appeals will only be successful if you can demonstrate that either the school's admissions process was not properly applied, or that your child has exceptional circumstances that would warrant admission.

If you wish to submit an appeal, please use this form:

<https://www.cognitofrms.com/ArkSchools1/AdmissionsAppealForm>