FAQs for Primary School Appeals

General Information

My child was not offered a place at my preferred school, what can I do?

If you were not offered a place at the school that you applied for, you can join their waiting list (if the school is located outside Kent, please contact the relevant Local Authority for guidance on waiting lists) and you also have the statutory right to appeal this decision. If your child is due to start primary school in September 2026, you can appeal if you are refused a place at one of your preferred schools on National Offer Day - Thursday 16 April 2026.

We recommend that you still accept the place that your child was offered as this will not affect your appeal and will guarantee that your child has a school place if your appeal is unsuccessful.

Why was I not offered a place at the school I applied for?

Your application was considered in accordance with the School Admissions Code and the school's published admission arrangements. Every school has a Published Admission Number (PAN). The PAN is the maximum number of pupils that they will admit to each year group.

Where a school receives more applications than their PAN, each application is considered against the schools' oversubscription criteria. If you were not offered your preferred school, this is usually because the school is full and there were other children who were ranked higher against the school's oversubscription criteria.

Are there different types of appeals?

Yes. There are two types of appeals:

Breach Appeals (more information on page 4)
Prejudice Appeals (more information on page 6)

When will my appeal be heard?

You must submit your appeal before Monday 18 May 2026 for it to be considered by Monday 20 July 2026. Any appeals received after this time will be heard within 40 school days from the deadline, or where reasonably possible in line with updated guidance from the Department for Education.

For late applications, appeals should be heard within 40 school days from the deadline for lodging appeals where possible, or within 30 school days of the appeal being lodged where reasonably possible in line with updated guidance from the Department for Education.

Appeals can only be heard during term time only.

Who will consider my appeal?

Your case will be considered by an Independent Appeal Panel.

There are usually 3 people on the panel, at least one member will have experience in education and at least one will be a lay person, they are all independent of the school, Trust and Local Authority. They will make the decision on whether to uphold or not uphold your appeal.

There will also be a Clerk in attendance. They are independent of the school and are responsible for the administrative arrangements for the appeal, keeping a written record of what is discussed and giving independent and impartial advice on the appeals process and admissions law to the Panel Members.

How will my appeal be heard?

The Independent Appeals Panel intends that your appeal will be conducted under a virtual setting using Microsoft Teams. All paperwork will be issued to you electronically and further instructions will be issued nearer the time.

If you can demonstrate an equality consideration that prevents you from accessing the hearing virtually, and you do not have reasonable support to do so, please email appeals@kent.gov.uk, to provide your reasons and any information/evidence that would support your case. There would need to be clear grounds to identify an alternative format for the appeal to be heard.

How is a decision made?

This will vary depending on which type of appeal you have. See page 4 & 6 for further information on how a Panel make their decision on a Breach Appeal and a Prejudice Appeal.
The decision of the Appeals Panel is binding on all parties.

How do I cancel my appeal?

If you wish to cancel your appeal, please email appeals@kent.gov.uk to inform us. You do not need to provide a reason for why you wish to cancel.

What can I do if my appeal is unsuccessful?

You can remain on the waiting list for the school. You can also apply to other schools after 21st May and join the waiting lists for those schools (if the school is located outside Kent, please contact the relevant Local Authority for guidance on waiting lists). Children who are on the waiting list are ranked based on the school's published oversubscription criteria, not how long they've been on the list.

It is your responsibility to secure suitable education for your child. If your child is without a school place, contact your Local Authority's Admissions Team depending on where you are located, who will be able to advise and inform you of other available places in the area.

If my appeal is unsuccessful, can I appeal again?

No, you can only appeal to the same school once per academic year.

Can I provide information about my child's or my health or medical needs?

Yes, if you believe that your child's or your health or medical needs are relevant to your case you can include this in your appeal. However, please be aware that in order for this to have been considered against the school's oversubscription criteria, this information must have been submitted to the school at the time of making your application.

Is there anything that the Panel will not accept?

Examples of schoolwork your child may have undertaken will not be accepted as the Panel will not be able to make a proper judgement about its quality. The members would have nothing to measure it against and would not know the depth of the work submitted. Also, they would not know whether the work had been carried out unaided.

Can I submit additional evidence after submitting my appeal?

Yes, however, it is recommended that you submit all of your information or evidence when you lodge the appeal. If you have additional information to add, it is important that you send it at your earliest convenience.

You will be supplied with a copy of all of your case papers at least 7 calendar days in advance of the hearing date. You will have an opportunity to add any further information, providing that it is at least 5 calendar days before the date of the hearing. After that time there may not be a chance to provide additional information as the Panel would require sufficient time to consider your case.

Appeal Hearings

What happens at an appeal hearing?

The hearing will be held virtually using Microsoft Teams. You will be issued with a link to the time and date of your appeal with instructions of how to access the hearing.

On the day of the appeal, you will be asked to wait in an online waiting area and will be brought into the meeting via the clerk. Along with the 3 Panel Members and clerk, there will also be a representative of the school. If there are any technical issues and any party drops out of the hearing, the clerk will ask you to leave and re-join the meeting, and you will remain in the waiting area until all parties are present.

This is an informal hearing; however, it needs to be properly organised. The normal procedure is as follows: -

1. The Chairman welcomes you to the meeting and introduces the Appeal Panel, Clerk and school representative. During the hearing the Clerk will take notes of what is said in case the Panel needs to refer to them afterwards. These are not published.

2. The representative of the school begins by explaining why your child has not been offered a place at your preferred school. If you wish to ask any questions about what has been said you may do so.

3. The Chairman will then invite you to present your case. Remember that the Panel will have read all the documents in advance, so it is not essential to go over everything in detail. The Panel and the school representative may then ask you questions if they need more information.

4. The Chairman will ask you if you feel that you have had the opportunity to present your case and all the information that you wish the Panel to consider in reaching its decision, as once the summing up has taken place there is no further opportunity for either side to add to their case.

5. The hearing finishes with the school representative, and then you, having a chance to sum up.

6. At the end of the hearing, you and the school representative will be removed from the hearing while the Appeal Panel considers the case in private. The Clerk will stay behind to record the Panel's decision.

Please be aware that where several appeals for the same school are being held, decisions will not be made on individual cases until all the appeals have been heard.

The Panel members may ask questions at any time to make sure that they understand all the points made by you and the school representative or if they need more information in order to reach a decision.

When will I be informed of the outcome?

The Clerk will inform you of the Panel's decision in writing within 7 calendar days. If the panel is hearing a large number of appeals, this will be 7 calendar days after the last appeal is considered.

Can someone else come to the hearing with me?

Yes, you can bring someone along with you to the hearing to help you. This person can be a friend, family member or a relevant professional, provided that this will not lead to a conflict of interest.

What shall I do if I can't attend or don't want to attend the hearing?

Please email appeals@kent.gov.uk to inform us in advance that you will not be attending so that we can ensure that the Clerk is aware.

If you do not wish to attend or find that you are unable to attend your appeal hearing, the Panel Members may hear your appeal in your absence. They will make their decision based on the information available to them at the time.

Breach Appeals

What is a Breach Appeal?

A school appeal is heard as a 'Breach' case where the admission of an additional child would breach Infant Class Size Legislation. As per this legislation, it is against the law to have more than 30 children in a class for Reception, Year 1 and Year 2 with a single qualified teacher.

What are the chances of a Breach Appeal being successful?

As grounds for upholding an appeal of this type are very limited, the success rate is minimal.

What is Infant Class Size Legislation?

Infant Class Size legislation is the law regarding how many children can legally be in a classroom with a single qualified teacher.

Every school has a Published Admission Number (PAN). The PAN is the maximum number of pupils that they will admit to each year group. The majority of appeals for admission into Reception, Year 1 or Year 2 at an infant or primary school will be heard as 'Infant Class Size Appeals'.

Statutory limits on class size mean that, apart from some very limited exceptions, infant classes of 5-, 6- and 7-year-olds may not contain more than 30 pupils with a single teacher.

Where the published admissions number of a school allows for classes of 30 pupils, then the Admission Authority will have refused admission on the grounds that to admit one more child would breach the infant class size limit. Although some Reception classes may be below 30, if classes in Years 1 & 2 are combined making 30, then this is known as future breach.

Although you have a legal right to appeal under this criteria, there are very limited circumstances in which a Panel can direct a child to be admitted to a school.

The Panel has first to consider if the Infant Class Size legislation applies to your appeal.

The Panel **must** consider all the following matters:

a) whether the admission of an additional child/additional children would breach the infant class size limit;
b) whether the admission arrangements (including the area's coordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998;
c) whether the admission arrangements were correctly and impartially applied in the case(s) in question; and
d) whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.

In Infant Class Size Appeals, the Panel can only uphold an appeal if they are satisfied that one of the above reasons does not apply in your case.

For an appeal to be successful under "Ground (d)" the Panel will need to be satisfied that the decision to refuse to admit a particular child was "perverse in the light of the admissions 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 that no sensible person could have arrived at it."

Will the Panel consider my personal circumstances?

No, as grounds for upholding an appeal of this type are very limited, the success rate is minimal. In considering whether you wish to appeal in such circumstances, you must be aware that your personal reasons for wanting the school, however strongly you feel, cannot be taken into account, unless any of the above circumstances apply.

Parents are often distressed that their personal reasons were not considered due to the very limited criteria, therefore, please think carefully before submitting an appeal of this type.

What information should I provide for my appeal?

Firstly, ensure that you have read the generic defence statement provided by the school which sets out the reasons that the school are unable to admit any additional children.

As previously stated, your personal reasons for wanting a place at your preferred school are not able to be considered, unless any of the criteria previously mentioned have not been met. Please clearly outline the reason for your appeal on your appeal form.

If you believe that the admissions authority did not apply their admission arrangements correctly and this resulted in your child not being offered a place at the school, you should explain why you believe this is the case and refer to the part of the admission arrangements that you believe has not been applied correctly.

You may wish to consider some of the following points in relation to your submission if you do not feel the admission arrangements have been correctly carried out:

- Do you consider your child to be an excepted pupil?
- Have the Local Authority informed you of any other local schools with spaces available?
- What alternative arrangements will you make if the appeal is not successful?
- Are there any health/equality act considerations?
- What are the problems you will face if your child does not get a place at your preferred school?
- What support do you have locally?

You will also have the opportunity to present your case to the Panel on the day of the appeal.

Prejudice Appeals

What is a Prejudice Appeal?

A school appeal is heard as a 'Prejudice' case where the Infant Class Size Legislation does not apply, and the panel must therefore consider if an admission of an additional child would be prejudicial to either the school or the child. Normally a Prejudice Appeal will be for years 3, 4, 5 and 6, however, there are instances where Reception, year 1 and year 2 may be heard in this way if Infant Class Size Legislation does not apply.

The panel will weigh up whether admitting an additional child to the school would prejudice the efficient education and the efficient use of resources, or whether greater prejudice would lie to your child in not gaining a place at the school.

What are the chances of a Prejudice Appeal being successful?

The Panel will discuss and make a decision to either uphold or not uphold your appeal once they have heard both sides of the case. They will weigh up your case for wanting your child to attend the school against the school's arguments for not being able to admit another child. The Panel will uphold your appeal if it finds that the negative impact on your child of not attending your preferred school outweighs the case put forward by the school's case as to why it cannot admit any more pupils.

If the Panel upholds your appeal, the school must admit your child.

If the Panel does not uphold your appeal, your child will not be offered a place at the school. In this case, you still have a number of options you may wish to consider including remaining on the school's waiting list as previously mentioned.

What information should I provide for my appeal?

Firstly, ensure that you have read the generic defence statement provided by the school which sets out the reasons the school are unable to admit any additional children.

It's important that you clearly set out the reasons why your child should have a place at your preferred school.

You should focus on what the school can offer that meets your child's needs. This can include;

- what the school can offer that other schools cannot
- what the impact will be on your child in not attending your preferred school

If you believe that the admission authority did not apply their admission arrangements properly and if they had applied them properly, they would have offered your child a place at the school. You should explain why you believe this is the case and refer to the part of the admission arrangements that you believe has not been applied properly.

You may wish to incorporate answers to some of the following questions that Panel Members would usually ask when relevant. Remember, you will also have an opportunity to present your case on the day of the appeal.

- Have you visited the school?
- What did you like about the school?
- When you looked round other schools what was it about this school that makes you believe it's the right/only school for your child?
- What can the school you want provide for your child that the offered school cannot?
- How will you get your child to the school?
- What is the journey like to the school?
- Are there any health/equality act issues raised in the case?
- What are the problems you will face if your child does not get a place at the school?
- What support do you have locally?
- What alternative arrangements will you make if the appeal is not successful?

Relevant Legislations

In accordance with regulations issued by the Department for Education (DfE), Independent Appeals Panels and Admission Authorities must adhere to:

- School Admissions Code 2021: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001050/School_admissions_code_2021.pdf
- School Admission Appeals Code 2022; https://www.gov.uk/government/publications/school-admissions-appeals-code
- Guidance for parents/guardians from the DfE on the appeals process: https://www.gov.uk/government/publications/admission-appeals-for-school-places
- Infant Class Size Legislation: The School Admissions (Infant Class Sizes) (England) Regulations 2012 (legislation.gov.uk)