



National offer day

What if your child didn't get a place at their first choice school?



At this time of year Russell-Cooke's children and education law team is gearing up for a busy period advising and representing parents bringing school admission appeals. Solicitor, Eva Akins, explains, 'for thousands of children and parents across the country, national offer day will bring with it dreadful disappointment. As an education solicitor, I am experienced in advising and representing parents who wish to challenge school admission decisions'.

Admission to reception class

Last year, four year old Freddie did not receive an offer from his first three preference schools. To his parents' dismay, he received an offer from a school 'requiring improvement'. During our consultation with Freddie's parents, we addressed the following questions;

1. Would Freddie's admission breach the infant class size limit?
2. Were the admission arrangements legally compliant?
3. Were the admissions criteria correctly and impartially applied?

4. In all the circumstances was the decision to refuse admission reasonable?

It transpired that the admissions authority had not applied the 'shortest walking distance' criteria correctly meaning their measuring tool was not fit for purpose. In applying criteria, the authority had measured the 'shortest driving distance' and failed to take account of a pedestrianised right of way. This shortened Freddie's journey by several all-important metres. With Freddie's parents, we lodged an appeal and the admissions authority conceded the point, subsequently offering Freddie a place at his preferred school without the need for a formal hearing.

Admission to an oversubscribed secondary school

For ten year old Adnan, having sacrificed many evenings and weekends over the preceding two years for tuition and past papers, failing to secure a place at the 'super selective' grammar school attended by his older brother was devastating. When I met with his father, the questions we explored were;

1. Was there evidence that Adnan was of the required academic standard?
2. Did Adnan's reasons for wanting a place outweigh the school's case that the admission of an additional child would cause prejudice to the school and its pupils?

During the appeal, the school's representative outlined their case citing lack of resources and health and safety as grounds for prejudice. With evidence of Adnan's academic potential together with records of the school's financial resources, their building expansion programme

and health and safety record, we were able to robustly challenge the school's case. The appeal panel decided that, based on the evidence presented, the school had failed to demonstrate prejudice and Adnan was offered a place.

Admission for a child with special educational needs

Hannah's mother knew that as she was struggling with nursery, it was highly unlikely that she would be able to cope with mainstream school. She wanted a clearer understanding of Hannah's needs and the appropriate provision and placement to meet them. The problem was she had no idea where to start and our team were able to advise and support her through this process. It emerged that Hannah had special educational needs which called for provision to be made for her by way of an Education Health and Care Plan. It was not therefore necessary for her to participate in the usual admissions procedures. Hannah now attends a specialist placement where she is educated in a small class by staff trained and experienced in working with children with autism.

[Some names and identifying details have been changed.]

If your child does not secure a place at their first choice school and you would like to explore the option of an admission appeal or for any other education related advice please contact Russell-Cooke's children and education law team [Eva Akins - Eva.Akins@russell-cooke.co.uk / +44 (0)20 8394 6350].

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