



Updated February 2026

School Select

Securing the Right School for Your Child

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Introduction to Appeals

Despite promises of ever greater parental choice when it comes to choosing schools for our children many families fail to secure a place at their first choice school. In downloading this guide you will probably have received the disappointing news that your child has not secured a place at the school of your choice. It can be an anxious time for the whole family; especially if the decision was not expected.

You can appeal but what does it involve and what are your chances of success?

Nationally, about one in ten Appeals succeed, but in some areas and for the most popular schools this can fall to about one in a hundred. Our success rate is considerably higher. Don't be disheartened.

The Appeals Panel is independent of the school and the Local Authority and if you can convince them that your child should be awarded a place at your chosen school they will get one! But where do you start and how do you win? By following the steps in this eBook you will give yourself the very best chance of success.

An Appeal can be stressful, time consuming and won! Don't be put off by the paperwork or the hearing and remember that despite the training the Panel have received and the superior knowledge of the school it is you that has most to gain at the Appeal – a place at your chosen school for your child.

School Admissions

Code of Practice (www.dfes.gov.uk/sacode)

The School Admissions Code, last updated in October 2022, requires all Admissions Authorities to consult on, publish and apply lawful admissions criteria for the allocation of school places if their school is oversubscribed.

But who is the Admissions Authority? How do I know if the criteria are lawful? How can I be sure they have been correctly applied? All crucial questions when you receive the devastating news that your child has not been allocated a place at your first choice school.

If you wished your child to attend a Foundation School or Church School the Admissions Authority is usually the Governing Body. Academies and Free Schools are their own admission authority and for now the remainder are known as community schools for which the Local Authority is the Admission Authority. It might appear complicated but if in doubt ASK the school concerned.

Commonly used lawful admission criteria are those which give preference to siblings, pupils in public care or those who live closest to the school. Unlawful admissions criteria might include those which use the *'first preference'* system, give priority to children according to their parents' employment, education or willingness to contribute to the school, take account of any behavioural issues from previous school / placement or the behaviour of the child's family or to discriminate against children with SEN or disabilities.

If you feel an admission criteria is unlawful please telephone us – we can give you a quick yes or no answer which can either assist your appeal or automatically get you a place.

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The Law

What do you need to prove to win a place for your child?

Most appeals (i.e. those from Year 3 onwards) follow a three stage approach – procedure, prejudice and balancing and if you can ‘win’ any stage your child will get a place.

Every school will publish its admission criteria. This is a clear explanation of how places are allocated if the school receives more applications than it has places. If the rules have been broken, or a mistake made, you are likely to win the Appeal and be awarded a place.

The notion of parental choice is generally misunderstood– parents do not have the right to choose a school for their child. The School Standards and Framework Act and subsequent legislation provides for parents to express a preference for a particular school which the Admission Authority has to meet unless to do so would either (a) prejudice efficient education or (b) lead to an inefficient use of educational resources. By law the school has to show how admitting your child would harm the education of the other children.

Even if the panel agrees that the rules have been followed and awarding your child a place at the school would affect the education of other children you still have one more chance to win – the balancing stage. Put most simply, to win you need to show that your child (*and family*) will suffer more if denied a place than the school will suffer by allowing a place.

In the case of infant class size appeals (generally for Reception, Year 1 and Year 2) and where the admission number is thirty or a multiple of thirty. You will have to prove that either a mistake was made which had it not been made your child would have been allocated a place or the decision not to admit your child was unreasonable

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Appeals Timetable

What to do & when

From the day you receive the allocation letter to the day of your appeal can be as little as eight weeks. And there is more than eight weeks of work to do! Hopefully this guide will give you a head start.

You can always ask us for additional help throughout the process.

The appeal procedure is as follows –

- Receive your Decision Letter
- Within 20 school days, submit your Appeal Form
- Prepare your Appeal Statement (*you will be told how long you have to do this but information can be submitted almost right up to the hearing date*)
- Ten working days before the Hearing receive from the Clerk to the Panel details of the time, date and venue of the Hearing
- A reasonable time before the Hearing you will receive from the Clerk details of the case for the Admission Authority (*You may be asked to submit your Appeal Statement at this time also*)
- Attend the Appeal Hearing (*Within forty school days of submitting your Appeal Form assuming it was submitted on time*)
- Within five days of the Hearing you should receive the Appeal Panel's decision together with their reasons for the decision.

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Before the Appeal

Lodging your Appeal

When you receive your decision letter you will have at least twenty school days in which to lodge your appeal. The Admission Authority will usually send you a two part form which requests personal details and also your FULL reasons for appealing. You should return this Appeal Form as soon as possible. Do not worry too much about the request to provide your reasons for your appeal – you cannot provide these at this time as you simply will not have all the information you will need. Instead, simply write the simple generic statement below:

“We do not believe that to admit CHILD’s NAME to SCHOOL NAME would prejudice efficient education or lead to an inefficient use of educational resources. A comprehensive appeal statement will be submitted in advance of the Appeal Hearing”

In the case of Infant Class Appeals the following statement should be used:

“We believe that the decision not to admit CHILD’s NAME to SCHOOL NAME was not one which a reasonable admissions authority would make in the circumstances of the case. A comprehensive appeal statement will be submitted in advance of the Appeal Hearing”

Make sure you either take your Appeal Form by hand and obtain a receipt or otherwise send it via secure mail which will require a signature. Submitting your Appeal Form will start the appeal process. If the Clerk to the Appeal Panel contacts you for more details politely advise them that this will be submitted once it is to hand – do not be pressured into submitting an incomplete appeal statement.

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Before the Appeal

Getting the information you will need

The failure to know what information is needed to write your appeal is probably the single most significant reason why so many parents fail in their appeals. The School Admissions Appeals Code of Practice provides for parents to have all the information they reasonably request to help them prepare their appeal statements. You are entitled to ask the Admission Authority for information about the school. Instead, many parents try to find out information from the school playground, the web or other less secure sources. Don't!

There is some information you will require for all SECONDARY SCHOOL appeals –

- How many children were on roll in Years 7 – 11 at *SCHOOL NAME* in each of the previous four academic years? (*incl. VI Form if the school has one*)
- What is the current roll and how is this made up across year groups?
- How many successful Admissions Appeals were made to the school over the past five years and for which age groups?
- Please confirm how the school is organised – e.g. form groups, setting by ability, mixed age classes etc
- How many classes make up each year? Has this changed over the past 5 years?
- Has the school's Standard Admission Number changed over the past five years? Are there any plans to do so? Why?
- Does the school have 6th Form provision? What are the admission arrangements for this?

There is some information you will require for all PRIMARY SCHOOL appeals –

- How many children were on roll in each age group in each of the past four school years?
- How many successful admission appeals have there been for the school in the past four years?
- Does the school offer any pre / after school childcare facilities such as an out of school club?
- Does the school have any current / planned building expansion or has any taken place within the last three years?
- Please confirm how the school is organised – e.g. form groups, setting by ability, mixed age classrooms etc
- Has the school's Standard or Planned Admission Number changed over the past five years? Are there any plans to do so?

You will also require a copy of the schools Prospectus and the Net Capacity Assessment.

It is generally acceptable for the Admission Authority to take up to three weeks to provide this information. Obviously if you receive an appeal date you can chase this up.

Before the Appeal

Writing your Appeal Statement

Leaving aside the possibility of an error having occurred you need to remember AT ALL TIMES the two main stages of the appeal –

- Will admitting your child prejudice efficient education or lead to an inefficient use of educational resources
- What makes the school you are appealing for UNIQUE for your child, what will they benefit from there that is not replicated at the allocated or any other local school?

Everything in your statement must address these two points; the format for your Appeal Statement should be as follows –

- Brief introduction – family details, address, ask the Panel to reconsider the Admission Authority's decision not to allocate your child a place at the school.
- Would admitting your child to the school prejudice the provision of efficient education or lead to an inefficient use of resources?
- Key Points – Prejudice
- Would your child (*and possibly wider family*) suffer more if s/he was not allocated a place at the school than the school will suffer by admitting her / him?
- Key Points – Balancing
- Summary

The Counter Prejudice Case

Bizarrely the first part of the Appeal Statement / Hearing is not about your child! It is about the school and whether it can admit more pupils. Prejudice to efficient education is, despite successive Education Acts and extensive case law, legally undefined. It is however widely accepted as being full time education suitable (a) to *her / his* age, ability and aptitude, and (b) to any special educational needs *s/he* may have.

There are three key questions in establishing whether “*efficient education*” is being prejudiced -

- Communally is there sufficient space around the school for children and staff to circulate safely, eat and have use of shared facilities?
- Is there sufficient space and resources within classrooms to allow each child to have an education that is suitable to their age, ability and aptitude, including any special educational needs *s/he* may have?
- Educationally, can the school teach and progress results effectively with the numbers of pupils it has on roll?

You must now use the information requested and received from the Admission Authority to address each of these in turn. Obviously it is beyond the scope of this guide to cover every possible argument but we are happy to provide some suggestions under each heading.

Communally is there sufficient space around the school for children and staff to circulate safely, eat and have use of shared facilities?

- Has the school operated safely with pupil number in excess of the whole school published admission number / Net Capacity Assessment previously?
- Is the whole school roll less than the whole school published admission number / Net Capacity Assessment? If so it would be hard for the school to argue that communally there is insufficient space as the whole school population might be less than the planned.

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- Does the most recent OFSTED report make mention of the accommodation?
- Does school marketing (*website / prospectus*) boast of extensive playing surfaces, hall, drama theatre etc? If so it cannot be that to attract pupils it has ample accommodation but then for the purposes of appeals this same accommodation is restrictive.

Is there sufficient space and resources within classrooms to allow each child to have an education that is suitable to their age, ability and aptitude, including any special educational needs s/he may have?

- The minimum assumed classroom size for 30 pupils is 49 square metres (or 56 square metres for newly built classrooms)– use the Net Capacity Assessment to make judgements about classroom size.
- Use the historical data to show that these classrooms have previously accommodated pupils in excess of the PAN. For example if a previous year group had three extra pupils how did they fit in? What prejudice occurred?
- Look even more carefully at specialist areas – e.g. science labs, technology areas etc where there are safety limits on pupil numbers – are these large enough to accommodate your child?
- What does OFSTEd say about accommodation – use the ‘*Find*’ feature on the computer to identify all OFSTEd references to accommodation / resources.
- What does the school say about its own accommodation on its own website?

Educationally, can the school teach and progress effectively with the numbers of pupils it has on roll even if this exceeds the PAN?

- Use the historical pupil roll figures to see if the school roll has increased, fallen or remained constant – what has happened to the results over the same period?
- Is there any evidence of the pupil roll affecting standards? Has a particularly large year group achieved particularly well?

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- Educational research now shows pupil behaviour and the quality of teaching has a greater effect on standards and pupil progress than small classes – what does OFSTEd say about teaching / behaviour at your preferred school?
- How high are standards at your preferred school?
- What does OFSTEd say about Leadership & Management – if these are excellent is it not reasonable to assume such high quality management could overcome a few additional pupils.

Generally include anything which contributes to questioning any of the three principal indicators of prejudice to efficient education. Use the information you have received from the Admissions Authority together with any local knowledge to prove to the Appeal Panel that the school can admit additional pupils in excess of its Planned Admissions Number.

The second half of your Appeal Statement must address the reasons why you wish your child to attend the school and must convince the Panel that the school you are appealing for is the ONLY suitable school for your child. It must also show that the impact on your child / family will exceed the impact on the school of admitting them.

The Appeal Panel will only consider issues that link your child to the school!

Key Points to Consider include

- How will the school support your child – does it have specialism's in which your child excels?
- What facilities / subjects make it the only school for your child? (*For example, does the school offer separate sciences and your child wants to be a Doctor / Vet etc?*)
- Logistically why is the only / best school for your child to attend (*Visit and use <http://www.traveline.org.uk/index.htm> to show the unsuitability of the route to the allocated school*)
- Extra Curricular activities only available at the school you are appealing for

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- Friendship groups – are all their friends transferring to this school? Isolated at the allocated school?
- Previous problems with bullies who are likely to attend the allocated school
- Any special reasons for wanting the sports / language provision at the school – do you have a property overseas and the school offers that particular language
- Stability of having a Sixth Form – does your child take time to settle into new environments?
- Ethnic / social / religious mix of the school
- Use of OFSTEd Reports to show how the school can meet specific needs – more able children, those with SEN, mixed ethnicity pupils etc. Conversely show how the allocated school cannot meet your child's needs

It is important to add a summary to your statement; this will form the basis of your summing up at the Hearing but will draw together the key points of your statement for the Panel Members in advance of meeting you.

Before the Appeal

Preparing your Case

Your Appeal Statement now written and submitted to the Clerk to the Appeal Panel you will now need to spend some time thinking about the Hearing itself. This involves two tasks –

- Becoming fully familiar with the case for the Admissions Authority
- Preparing your questions to challenge the arguments made by the school

The Case for the Admissions Authority

The Clerk to the Appeal Panel must send you the case for the Admissions Authority before the Hearing date; this is a crucial period. It is important that you read carefully what the Presenting Officer for the Admission Authority will tell the Panel Members – make a note of any figures that seem to be at odds with what you have already been told.

Preparing your Questions

You will by this stage have an excellent knowledge of the school. Through your own research, the information sent to you, in producing your Appeal Statement and familiarising yourself with the case for the Admission Authority it will start to become obvious what issues to explore further with the Presenting Officer at the Hearing. These will now need to be formulated into your questions.

Remembering the importance attached to the issue of *prejudice to efficient education* your questions must plant seeds of doubt in the Panel Members minds that the school could admit additional pupils in excess of the Planned Admission Number.

How can you convince the Panel that the classrooms can accommodate your child, the school can efficiently educate them and also that the communal areas are sufficient for the numbers of pupils on roll?

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Balancing Preparation

In addition it will help you greatly if you prepare a list of your principal balancing issues; prepare these as below as it is very important that at the Hearing you present the case for your child in a calm, methodical way – it is not the time for a ‘*brain dump*’ about your child!

Neither the list of questions or the summary sheet containing your key balancing issues are for anyone other than yourself so make notes on them, add to them, cross out – whatever will help you at the formal hearing. This is vitally important to have all your facts in a format that will help YOU! Those at the Hearing will have experience of the forum; it is most likely to be your first time and you will be nervous so the way you prepare yourself for the Hearing will be vital to your chances of success.

The Appeal Hearing

The Panel Members

After all this hard work you have put into your appeal, who will make the decision? The Appeal Panel will comprise three (*or maybe five members*). At least one member will have some professional connection with education (*they may have taught in another LA or been a School Governor*) but they will have had no connection at all with the school you are appealing for or in the original decision not to allocate your child a place there. At least one of the remaining Panel Members will have no connection with education whatsoever – these are called lay members and have jobs outside of the education sector. The remaining Panel Member(s) may be either education or lay members.

Whilst obviously a generic statement the age profile of the Panel may surprise you – they are generally retired people in their late fifties / early sixties although there are obviously exceptions! Do not be put off by this as they have almost certainly had children themselves so appreciate what you are going through in trying to do the best for your child. Many may be grandparents whose families are facing identical issues now.

It is good practice for the Panel Members' names to have been given to you in advance of the Hearing so you can let the Clerk know if you have any relationship with them (*good or bad!*) If you see somebody on the Panel for the first time and you feel their presence will affect your Hearing please inform the Clerk immediately.

All Panel Members will have been trained in the School Admissions Appeals Code of Practice and you can ask to see their certificate / letter of appointment if you wish but this is not usually necessary.

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The Appeal Hearing

The Procedure

All Admission Appeal Hearing generally follow a standard format; although the Chair has some discretion the Hearing is likely to progress in the following order.

Introductions

The Chair of the Panel will introduce those present (*You may be asked to introduce yourself*)

The Case for the Admission Authority

Reading of the case prepared by the Admissions Authority (*as sent to you before the hearing*) followed by questions to the school representative from you and the Panel Members

The Case for the Child

Present the key reasons why you wish your child to attend the school followed by questions from the Presenting Officer and the Panel Members

Summing Up

Presenting Officers final statement to the Panel Members.

Your final submission to the Panel Members to sum up the main points to your case.

Closing Remarks

Explanation by the Chair or Clerk to the Panel about how / when you will find out the result.

It is common for the Chair to ask if you feel you have had a chance to say everything you wished; if you did forget something don't be afraid to add it at this point.

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The Appeal Hearing

The Case for the Admission Authority

You should be familiar with the case for the Admission Authority as it was provided to you before the Hearing. There should be no nasty surprises on the day; the Presenting Officer most often simply reads through the statement provided, maybe adding a little extra detail to provide further clarification. It is (*very*) unusual but if a Presenting Officer attempts to introduce significant new evidence (*and the Chair says nothing*) it is important that you ask for a brief adjournment to consider what has just been presented. Remember this is about your child; you have worked hard on this over the past two months so you must make sure you have sufficient time to consider anything you weren't expecting to have to discuss.

When the Presenting Officer has finished reading the case for the Admission Authority there will be an opportunity for questions; these may come first from you or the Panel Members. You should calmly ask the questions you prepared previously, repeating them if you do not get a satisfactory or specific enough answer.

Try to make sure the Presenting Officer explains WHY and HOW your child's admission would cause PREJUDICE to EFFICIENT EDUCATION, don't allow them to talk in generic terms about overcrowding, how the school cannot keep admitting one extra child, the effect on teachers etc.

Even if you do not manage to convince the Panel that the school could admit more pupils (*and thereby most likely win your appeal at this stage*) by weakening the Admission Authority's case your case becomes relatively stronger and this is important when the Panel Members balance impact when they make their decision.

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The Appeal Hearing

Presenting the Case for Your Child

When both you and the Panel Members have had an opportunity to question the Presenting Officer for the Admission Authority the Chair of the Panel will invite you to present the case for your child. This is your opportunity to convince the Panel Members that although the places were allocated in accordance with the Published Admission Criteria and the Admission Authority have argued that the school is full to the point that an additional child would prejudice efficient education that YOUR CHILD has sufficiently compelling reasons for needing to attend the school.

You can offer to read through your statement although a more productive use of your limited time with the Panel is to *'talk through'* the key points – this is a much more personal way of getting your views across and is likely to be much more emotive. If there are issues that upset you do not be afraid to show emotion (*e.g. naturally the prospect of your eleven year old child having to cross the city centre on two buses just to get to school is upsetting, you are concerned that your child will have no friends at their new school etc.*)

At the end of your presentation to the Panel the Chair will invite Panel Members or the Presenting Officer to ask questions of you. This is nowhere near as intimidating as it might sound. Typical questions usually revolve around other schools you have considered, are there alternatives to the logistical problems you have identified etc. Just be clear and firm that these are real issues for you and your child, there are compelling reasons why s/he must attend the school you are appealing for.

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The Appeal Hearing

Summing Up

When both parties have presented their cases, and been questioned about them, the Chair will ask the school to sum up first then you; you will always have the last word.

No new evidence should be presented at this stage; it is just an opportunity to recap your key points. Generally try to leave the Panel with the idea that any prejudice they do agree would occur by the child's admission would be at worst only very marginal, nothing they had not managed adequately before and could not again.

By contrast the impact on the child would be huge, long term and possibly life moulding. At the end state quite clearly that the impact on your child would outweigh the impact on the school and therefore your appeal should be upheld.

Key Points to Summing Up

- Do not introduce new material at this stage
- Take the single weakest point of the Presenting Officers case; remind the Panel of this
- Take the strongest three points of your case and remind the Panel of these
- End with the statement that any prejudice to the school will at worst be very marginal and short term, however the impact on your child will be massive and probably lifelong

Infant Class Size Appeals

Different Grounds

Some appeals for Reception, Year 1 and Year 2 are known as infant class size legislation appeals. Basically this means that the class has reached the notional legal maximum size (30 pupils for each qualified teacher).

Although the status, make up and independence of the Panels are the same for all appeals but the Panel may only uphold your appeal if one of the three factors below are present –

- a) The admission of additional children would not breach the infant class size limit
- b) The admissions 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;
- c) The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

In relation to point b) it is not enough to say that there has been a mistake in implementing the school's admission arrangements. The appeal panel can only uphold the appeal in cases where it is clear that the child would have been offered a place if the admission arrangements had been properly implemented or did not comply with the School Admissions Code.

In effect if the Admission Authority has not properly measured the distance between your home and school, they have overlooked a sibling or otherwise have used criteria not held to be lawful. It is not impossible for a mistake to have been made and for this to have denied your child a place at your chosen school.

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You may have also become aware that another child who lives further away from you has been allocated a place possibly using a temporary or relative's address. If such a practice could have cost you a place then you should ask the Admission Authority to investigate.

Many infant class size appeals are dealt with under Ground C, that the decision not to allocate a place was unreasonable in the circumstances of the case.

The appeal panel must consider whether the admission authority's decision was one which a reasonable authority would have made in the circumstances of the case. In order for an appeal panel to determine that the decision to refuse was unreasonable, it will need to be satisfied that the decision to refuse to admit the particular child was 'perverse in the light of the admission 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 or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it'

After the Appeal

The Decision

The Appeal Hearing will have been a very stressful experience – so is the wait for the Panel’s decision. This should be received within five school days but this can sometimes be received more quickly out of the main appeal times. Some Clerks will allow parents to telephone them for the initial decision with the full decision letter to follow, others are strict and you have to wait for the full decision letter.

The letter, whatever the outcome, must not only outline the Panel’s decision but also the reasons for that decision. This will be especially important for you if you have been unsuccessful; you will certainly want to know the Panel listened to, understood and considered your arguments in full.

If successful you will need to contact the Admissions Authority to make arrangements for your child’s admission. If unsuccessful you will need to carefully consider your options.

You may have three-

- Consider alternative schools
- Complain to the Ombudsman (*for Community Schools*) or Secretary of State (*for Academies*) (*if there was an issue in how the Appeal was conducted*)
- Apply for a Judicial Review (*if there was an error made in law*)

The process for each is outside the scope of this guide but we can assist parents post appeals. Please telephone us on 01978 840181 or e mail office@schoolselect.co.uk for more details.

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In Conclusion

In summary School Admissions Appeals can be stressful, time consuming and WON!

There is much to do and a short time to do it but at least you are now ahead of many thousands of parents in knowing exactly what you have to do. If you follow the structure provided in this guide you will write a better Appeal Statement, you will give your child the very best chance of getting a place at your first choice school.

If you feel you would like some further assistance with your Appeal we offer a range of services including -

- A telephone consultation to discuss the specifics of your appeal together with all research and preparation of the technical aspects of your appeal (to which you add your reasons for wanting your child to attend) for [\(Just £995\)](#)
- Appeal writing services – let us get all the information you need and produce the most compelling statement possible to help your child secure a place at their first choice school [\(£1695\)](#)
- Representation at your appeal – this service includes both a pre and post appeal consultation, challenging the Presenting Officer and explaining to the panel why it is essential that your child attends the school for which you are appealing. [\(£2495 for remote appeals, £2995 for in person appeals, incl of Appeal Writing service above\)](#)

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