

## Admission Appeals – Guidance Notes for Parents

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**Please read these notes before completing the Notice of Appeal and attending the appeal**

### **Your Rights**

Parents and guardians have the right to appeal against the decision of a governing body not to award a place at the school for their child. The Diocesan Board of Education sets up an Appeal Panel to hear your appeal.

School admission appeals are governed by the School Standards and Framework Act ( SSFA ) 1998, as amended by the Education Act 2003, and the Codes on School Admissions and School Admission Appeals, produced by the Department for Children, Schools and Families.

### **Preference**

The SSFA 1998 allows a parent to express a preference regarding the school they would like their child to attend. However if the school has admitted up to its Published Admission Number then the governing body will usually refuse the application because to admit further children would “ prejudice the provision of efficient education or the efficient use of resources”.

### **Appeal**

As stated above, if your child has not been allocated the school of your preference, you have the right to appeal. The law gives parents the opportunity to put their case to an Independent Appeal Panel. The Appeal Panel consists of members appointed by the Diocesan Board of Education and is completely independent of the school. There are three members on each Panel, one must be a *lay member*, that is someone without personal experience in the management or provision of education and one is an *education member*, someone with experience in education. The decision that the Panel make is binding on the school and the final action available for the parents.

### **The Appeal Hearing**

The Clerk to the Appeals Panel will invite parents to attend an appeals hearing. Those present at the hearing will be :

- You and whoever you wish to bring for support, your partner, friend, supporter, representative or legal advisor. However paragraph 2.13 of the School Admission Appeals Code states that you must be informed that your friend or adviser at the hearing, cannot be a member of the admission authority, or a locally elected politician
- The Clerk to the Appeals
- The Appeals Panel – three members
- Representatives from the admission authority – this will usually be a governor of the school and possibly the headteacher or deputy
- Other parents, when listening to the school case. In multiple appeals for a school, the school case is presented to all the parents present. This is because the school case is about facts and figures about the school and it ensures that all parents have the opportunity to hear the school case.

**However when you present your own case to the panel, this will be done in the presence of the Panel and the school, without any other parents in the room. Your hearing will be totally confidential.**

### **The Clerk to the Appeals**

The Clerk to the Appeals will be the first point of contact for parents wishing to appeal. The clerk must receive a request for an appeal from the parent/legal guardian in order to start the process. The clerk will arrange the appeal and receive papers and evidence to duplicate for the Panel prior to the hearing. The Clerk can also provide legal or procedural advice to the Panel. Please return the Notice of Appeal form and any other supporting letters or evidence to :

**Clerk to the Appeals Panel, Diocesan Education Office, Bouverie Court, 6 The Lakes, Bedford Road, Northampton NN4 7YD.**

This information will be duplicated and given to the Panel and school in advance of the hearing.

At the hearing the clerk

- will ensure that the appeal is conducted fairly
- explain the basic procedure and answer any questions you might have
- be an independent source of advice to the Panel on the law and procedure
- record the proceedings, decisions and reasons
- after the appeal, notify all concerned of the Appeal Panel's decision

### **The Panel**

The make up of the Panel members is laid down in law. The Panel will consist of three members who will be independent of the school. All Panel members will have received training. The Chair will conduct the hearing, the other two members will be from the following two categories

- lay members – those who have no personal experience in the management or the provision of education in any school ( school governors or volunteers in school may come in this category ) but not governors of the school being appealed for
- education members – those people who have experience in education or are familiar with educational conditions in the area

Parents/legal guardians will be advised of the Panel's names in the letter notifying them of the appeal hearing date. Please inform the Clerk if you know someone sitting on the Panel for your appeal.

The Panel will ask the parent/legal guardian questions relating to the appeal. This is in order to get a good knowledge of the case. The Panel will also question the school.

### **Representative of the school's governing body**

In a church voluntary aided school, the governing body is the admissions authority and therefore responsible for allocating places according to the school's Admission Policy. ( For community schools this would be the Local Authority )

At appeal a member of the admission authority will be present to address the panel as to why your application was refused and how the process was administered. This may be a governor, the headteacher or deputy. If a governor presents the school case, sometimes the headteacher or deputy will also attend to answer any questions the panel ask in relation to the management of the school. After the presenting officer has presented the school case, parents/legal guardians will be invited to ask any questions.

### **Should parents attend the hearing?**

Yes if at all possible!

The child's parent or carer is likely to be the best person to tell the Appeal Panel why it is so important for your child to attend the school of your preference and to provide the panel with information to help them to make an informed decision.

You are entitled to bring your partner, a member of your family, a friend or representative along to the appeal with you and if you want to, they may help you present your case. It should not normally be necessary for you to bring a solicitor or lawyer as this is not a court of law and we aim to keep the hearing as informal as possible.

**It is important for you to take a full part in the proceedings, therefore if you have any particular requirements please inform the clerk in advance so that provision can be made. For example, if you have a disability or if English is not your first language and you need an interpreter please contact the clerk to appeals in advance.**

If you cannot attend the appeal hearing in person the Panel will make their decision based on the written information that you provide them with, therefore in those cases it is important that as much information is written as possible.

### **The School Case**

The school will provide the clerk with a school case detailing the reasons they were unable to admit your child and how places were allocated. This should be forwarded to you at least 7 working days prior to the hearing.

### **Preparing for the hearing**

You are responsible for presenting your case, for deciding what you would like to say at the appeal hearing and what written information you want the panel to have.

Prior to the hearing you are advised to :

- return the Notice of Appeal form to the clerk to appeals, advising whether you are able to attend the hearing and detailing the reasons for your appeal
- familiarise yourself with the procedure for the appeal hearing ( see separate sheet )
- make a note of any questions you have about your appeal
- make sure you have looked at the school case
- make a note of any questions you would like to ask the representative of the governing body/school that relate to the school case
- spend some time deciding what you would like to say when the panel invites you to explain your reasons for wanting your child to attend your preferred school – it might be helpful to make notes of the main points
- make sure you have any other paperwork you feel is necessary to support your appeal such as – a doctor's letter, confirmation of completion of your house purchase or a rental agreement or any other documentation
- on the day of appeal, bring the school case and all other paperwork

At the hearing the school will make the case that the admission of one more child would cause prejudice to the education and resources of those already in the school. The parent/legal guardian is making the case that their child's education will be prejudiced if he/she does not get a place in the school.

### **Infant Class Size Appeals**

There is a different procedure for infant class size appeals – that is appeals for children of 5, 6 or 7 years old, for Reception, Year 1 and Year 2. This is because there is legislation governing the size of these year groups – there can be no more than 30 pupils in a class.

In infant class size appeals, an Appeal Panel can only uphold an appeal in limited circumstances. See additional paper – *Infant Class Size Appeals*.

## **Children with statements of Special Educational Needs**

If a child has a Statement due to his/her particular special needs, the Statement will usually name the school which the parents/legal guardians in conjunction with the Local Authority, wish the child to attend. If that named school refuses the child a place or indeed if no school has been named, the parent/legal guardian should request a Special Educational Needs and Disability Tribunal, not an admission appeal.

## **Help Preparing your Appeal**

These guidance notes should provide some useful information when preparing your appeal. The Clerk to the appeals should be able to answer your questions, he/she can be contacted on 01604 887006.

If you would like further advice or information, the Advisory Centre for Education (ACE) is an independent national education advice centre.

ACE operates a free telephone advice line Monday to Friday 2pm – 5pm – 0800 800 5793

ACE provides a helpful booklet “Appealing for a school”.

ACE have a website : [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

## **The Appeal Hearing**

It is very important to tell the Appeal Panel everything that is relevant to your case. The appeal for your child is confidential so please feel free to say whatever you need to. If there are particular family circumstances or previous experiences relating to your child and his/her schooling it is important to say this.

**The members of the Appeal Panel have to make their decision based on what information they have been given, so make sure you tell them everything that they need to consider.**

## **Supporting Evidence**

Supporting evidence will always be helpful to your appeal. This may be:

- If your case is based on medical or social grounds of either your child or anyone else in the family, you should, wherever possible, provide written evidence from a doctor or other professional, such as a social worker, to support this.
- If your case is based on a house move you should provide evidence of confirmation of the completion of your house purchase; or a tenancy agreement; or any other relevant documentation.
- Any other letters, reports or documents which may help support your case.

However it is important to remember that Appeal Panels cannot take your child's academic achievements, attendance record or participation in school events into account when allocating a place.

It is advisable to send in all papers, forms and supporting evidence at least 7 days before the appeal hearing but if this is not possible, papers can be submitted on the day.

**However if too much additional information is submitted less than 3 working days before the appeal or on the day of the appeal, the panel may have to adjourn the hearing.**

**If you do not attend the appeal hearing in person it is extremely important to write down as much as possible regarding your case, as the panel will make a decision based on the written evidence you supply.**

## **The Appeal Hearing**

The procedure for the appeal hearing is covered in a supplementary sheet.

Please be punctual on the day, try to arrive early.

The school case presented to the panel and your own personal case are allocated 20 minutes each. However times do overrun so it is wise to allow longer.

After the appeal, the clerk will write to you to inform you of the panel's decision. This will normally be within 3 working days of the appeal. However in the summer term when multiple appeals take place this may take longer.

### **Repeat Appeals**

- If your appeal is not successful you may not have another appeal.
- However if there are **significant and material changes** in the circumstances of the school, your circumstances or those of your child you have the right to re-apply for admission within the same academic year. If the school still cannot admit your child, you have the right to a fresh appeal.
- You may re-apply in the following academic year and you have the right to a fresh appeal if the year group is still full.

### **Local Government Ombudsman ( LGO )**

If you think that the proper procedures have not been followed you can ask the LGO to investigate. The LGO can only investigate complaints about the procedure of the appeal. The Ombudsman can be contacted as follows :

The Local Government Ombudsman

The Oaks No 2

Westwood Way

Westwood Business Park

Coventry

CV4 8JB

Tel : 0247 682 0000

Website : [www.lgo.org.uk](http://www.lgo.org.uk)