

ADMISSION APPEALS – ADVICE FOR PARENTS

If your child has been refused a place at the school you wanted, you have the right to appeal against that decision.

Appeals are heard by an Appeal Panel set up by the Admission Authority. It is independent of the school and it works to a Code of Practice established under the School Standards and Framework Act 1998.

GOVERNORS' DECISION

At an Academy the Governing Body has responsibility for admission arrangements. If you receive a letter telling you that the school in question has decided not to offer a place to your child, the letter should make clear the reasons for this. You should think carefully about whether or not you wish to appeal against this decision. You will need to think about:-

- the school's policy for admitting pupils (published in the school prospectus) and the Governors' specific reasons given for not admitting your child;
- your reasons for wanting your child to attend the school and the strength of your case;
- alternative schools available. You may wish to visit them and/or speak to the Headteacher.

If you write to say that you do not wish to appeal you cannot change your mind, this letter will stand. If you write to say you do wish to appeal you should give the reasons why you feel that it is important for your child to attend this school. You may give as much information as you think is relevant.

The letter telling you that your child has not been offered a place should say where you should send your notice of appeal and by what date. Your appeal must be in writing and the Governors must arrange for an Independent Appeal Panel to meet to consider your appeal.

You should think carefully about the original reasons you had, if any, for wanting your child to attend the school. You can add more information in the notice of appeal.

You should send copies of any letters or documents, such as medical evidence, with the statement of your appeal if you wish to use these at the hearing. Or you can send them later to the Clerk who will ensure they are given to the Appeal Panel members. You may produce other documents at the hearing but you should remember that the members of the Panel and the Governors' representative will not have had time to look at these or think about them and that they may have to defer making a decision until the documents have been fully considered.

If you decide to appeal you will normally be called 'the appellant' in all documents.

THE APPEAL HEARING

You will be sent details of the date, time and place where the hearing will be held by the Clerk to the Panel. It may be held at a venue other than the school.

It is very important that you try to attend the hearing no matter how nervous or uncertain you feel. It helps the Panel if you are there in person to put the case for your child.

It is not necessary for your child to attend the hearing.

If you really can't attend, you should let the Clerk know in good time. The hearing will then be held without you and your case will be heard on the basis of your written statements. The Appeal Panel will decide the appeal on the strength of your written case.

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You should be given plenty of notice, at least 14 days, of the date and time of the hearing. At least seven days before the hearing you should receive a written statement of the school governors' case.

You may wish to have the help or support of a friend at the hearing. You should let the Clerk know before the hearing if you wish to be accompanied by a friend. If you need the help of an interpreter or special access because you are disabled, then the Clerk should be advised well in advance.

You can call witnesses to help your case. If they can't attend, they should send a letter to the Clerk giving their statement.

All hearings are held in private unless there are special reasons. You do have the right to ask for a private hearing.

A representative of the Governing Body of the school will also attend the hearing to explain why it was not possible for your child to be offered a place. They do not remain with the Panel while you are not present but they do not assist the Panel when they make their decision.

If you are unsure of anything then you can ask for advice from the Clerk.

THE APPEAL PANEL

The Panel must have at least three members and will be made up of:-

- lay member(s) (who can have no personal experience in managing education, cannot be a teacher, does not work for the school and is not a parent of a child at the school); and
- independent people who have experience in education or know about education in the area. (They cannot work for the school or the local education authority, be a governor of the school, or be a parent of a child at a school.)

The Panel is independent of the local education authority, of the school and its Governors. It must make sure that the hearing is fair and not biased.

The Clerk is not a member of the Panel but is appointed to organise the hearing and take a note of what happens. A Clerk can also give advice to the Panel on procedure and on the legislation governing admissions.

THE APPEAL HEARING

The hearing should be informal but should follow these stages:-

- the governors' representative will present the case for the school;
- you, or your representative, may question the Governors' representative;
- you, or your representative, will present your case. (You can call witnesses if you wish providing you have notified the Clerk);
- the Governors' representative may ask you questions;
- the Governors' representative will sum up the case for the school; and
- you, or your representative, will sum up your case.

This procedure gives both you and the school an equal opportunity to put each case.

The Panel members may ask questions at any time to make sure that they understand all the points made by you and the Governors' representative. They may ask questions about any written information they have from you or from the school.

You should put your case clearly and emphasise the relevant points. The Chair of the Panel may prompt you if they feel you are nervous or unsure.

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Your case might include reasons why the school may be particularly suitable for your child such as:-

- family circumstances;
- medical reasons (wherever possible these should be with supporting evidence, such as doctor's letters etc.);
- transport and ease of access;
- family or friends and other links with the school;
- social reasons (again with supporting evidence, if possible);
- your views on education and behaviour;
- reasons to do with different subjects and the subjects your child is good at or enjoys;
- how close you live to the school or how difficult it would be to get to another school; and
- other factors to do with the school.

THE PANEL'S DECISION

The Panel will consider all the information it has been provided with and will then follow two stages in reaching their decision:-

- the Panel must first decide if the school's admission arrangements have been correctly applied. In cases where your application has been refused on the grounds that there would be prejudice to the provision of efficient education or use of resources by admitting your child, the Panel must also satisfy themselves that prejudice exists.

If this prejudice is not found then the appeal must be allowed at this stage.

Only when they agree that the arrangements have been correctly applied and, where appropriate, they do believe prejudice would arise, then they must consider:-

- whether your case is sufficiently strong to outweigh the governors' case.

You will be told of the Panel's decision in writing very soon after the hearing.

You will be given the reasons for the Panel's decision but you do not have a right to see the notes of the hearing.

Both you and the school must accept the decision of the appeal Panel.

If you have a complaint about the administration of the hearing and think that the procedures have not been followed properly either by the Panel or by the school, then you should contact the Local Government Ombudsman, 10th Floor, Millbank Tower, Millbank, London SW1P 4QP. He can investigate your case.

Further information:-

DCSF – School Admissions Code 2009 and

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Available online at <http://www.education.gov.uk/> or by contacting 08457023474