SCHOOL STANDARDS AND FRAMEWORK ACT 1998

INFORMATION ABOUT SCHOOL ADMISSION APPEALS

The Appeal System

The choice of school for your child is obviously very important to you. The Admissions and Transfers Team will have tried to satisfy you, but if you are still not happy with the place allocated, you may want to have this decision reviewed by a Body that can act independently and make a fresh allocation, if that is thought to be right. This is the purpose of the School Admission Appeal System.

The purpose of this leaflet is to explain the Appeal System. If you decide to appeal, every effort will be made to help you. Please do not be put off from making an Appeal because of doubts about your ability to present your case. The Panel will be interested in the reasons for your choice of school, not your skill as an advocate.

Legislation and Code of Practice

It is necessary to have some basic rules for dealing with Appeals (e.g. setting a final date for Notice of Appeals helps the Panel to deal with all Appeals in the fairest possible way). However, the rules are kept to a minimum. The procedure that will be followed is based on the School Standards and Framework Act 1998 and on a Statutory Code of Practice published by the Department for Education. In addition the Panel takes account of the Code of Practice on Admissions, published by the Department for Education. Copies of these documents can be seen on the DfE website at www.education.gov.uk.

When to Appeal

Admission to Secondary Schools

Parents can ask for a child to be admitted to a school in any school term. Most appeals, however, concern transfer of pupils from Primary to Secondary Schools, or the choice of Secondary School when moving into a new area.

Review of Allocation

If you are not satisfied with the school allocated, you will probably have asked the Admissions and Transfers Team to change the allocation. If the result of that review was still not acceptable, you may decide to make a formal Appeal under the School Standards and Framework Act 1998.

How to Appeal

Statutory Requirements

The County Council as the Local Authority is required to make arrangements for parents to express a preference for the school at which they wish their child to be educated under the Co-educated Admission Scheme. Under Section 86(2) of the School Standards and Framework Act 1998, the County Council must comply with any preference unless:

a. Compliance with the preference would prejudice the provision of efficient education or the efficient use of resources.
b. Admission arrangements for the preferred school are wholly based on selection by high ability or aptitude and the admission of the child would be incompatible with selection under those arrangements.
c. Another place has been offered, as identified under co-ordinated admission arrangements.
d. The child has been permanently excluded from two or more schools and at least one of the exclusions took place after 1 September 1997.

With regard to d, the requirement to comply with parental preference does not apply for two years after the second exclusion. This does not apply to children below compulsory school age, or to pupils reinstated after exclusion. A permanent exclusion is regarded as taking effect from the first school day the Head Teacher has told the pupils not to attend the school. If your child is in this situation, please contact the Democratic Services Unit for further advice.

Deciding to Appeal

Your final decision letter will explain the reasons why your child has not been offered a place at your preferred school. Consider these reasons carefully, in the light of the Statutory Reasons for Refusal (paragraph 3.1) and the reasons for wanting your preferred school. You should also have regard to the County Council's Statement of School Admissions Policy, which was sent to parents of children transferring from Primary to Secondary School in the Autumn before transfer.

Notice of Appeal

Your notice of appeal must be in writing, setting out the grounds on which it is made. Please use the Appeal Form which will be sent to you.

Reasons for Appeal

The Statement of Reasons for your appeal is important. It is not enough to state that the reasons will be explained at the Appeal Hearing. Write down any reasons for your preference of school that you want the Appeal Panel to consider. You need not limit the reasons to those already given to the Admissions and Transfers Team– this is the time to add any more, if you want to do so. If you do not agree with any reasons given by the Admissions and Transfers Team for refusing a place at your preferred school you should add a statement to that effect.

Appeals for Grammar Schools

For appeals for grammar schools the panel are only able to uphold the appeal if it is satisfied that there is evidence to demonstrate that the child is of the required academic standards, for example, school reports giving Year 5/Year 6 SAT results or a letter of support from their current or previous school clearly indicating why the child is considered to be of grammar school ability.

Documents

If you want the Panel to consider any letters or documents, you should enclose a copy with your Appeal Form. The Panel will only consider documents put forward by you or by the Admission Authority. It will not have read any files of correspondence between you and the Admissions and Transfers Team or individual schools.

Supporting Evidence

Consider whether any of your reasons for appeal need to be supported in some way. For example, if you believe that there are medical reasons for allocating a place at your preferred school consider whether you should ask your doctor for a letter commenting on your claim. If your appeal is against the Authority's decision to refuse a place at a grammar school because your child did not obtain the required standard in the entrance exam you may like to consider providing written evidence of any factors which you feel may have affected your child's performance on the day of the test, and evidence of your child's level of performance at school such as school reports for Year 5 or predicted Year 6 SAT results.

Whenever possible please attach any supporting documents to your appeal form. If you are not able to supply supporting documents with your appeal form you should try to provide a copy by the deadline date given in your appointment letter. The Panel will consider any written evidence you provide before the deadline date. However any material submitted after this date may not be considered by the Panel.

Attendance

It is in the interests of all concerned for parents to attend hearings, if that is possible. You may be accompanied by a friend, or you can ask someone else to represent you. Please let us know if you intend to do this. However it is not appropriate for you to be accompanied by a teacher from your child's current school. It is for you as parents to decide if your child should be present at the appeal hearing. If you wish to bring your child with you please let us know in advance.

If you are not present, the Panel will consider the case very carefully on the basis of any written representations that you have made when giving notice of your Appeal, together with the Admission Authority's Statement, any documents supplied by either of you within the given deadline, and the County Council's published Policy on School Admissions. However, the Panel members will not be able to ask you questions about your case and you will not be able to question the Admission Authority.

Special Needs and Interpreters

If you have special problems in attending the Hearing (perhaps because you have a disability), or you will need an interpreter at the hearing or if there is any other information that you think is relevant, please contact the Clerk as soon as possible.

Arrangements for the Appeal Hearing

Date and Place

Appeal Hearings are arranged throughout the year as required. A letter will be sent to you approximately two weeks before the Hearing, telling you when and where it will be held.

At least a week before the Hearing date, you will be sent a copy of the Admission Authority's Statement that the Panel will consider. The Admission Authority should explain the application of the Admissions Policy to your case and the reasons for deciding to refuse a place at the school of your choice by reference to Section 86 of the School Standards and Framework Act 1998 (see paragraph 3.1). The Statement may make reference to the reasons given by you for your Appeal and your original explanation of the reasons for your preference, where those are not the same. Your Appeal Form and the Admission Authority's Statement, together with other documents supplied by you or the Admission Authority will also be copied to the Members of the Appeal Panel. On occasion, it may be necessary to ask you to supply additional copies yourself of the other documents you would like the Appeal Panel to consider. If this is the case, you will be informed of this at the earliest opportunity and, in any event, by the time you are offered an appointment.

If there was any document that you were unable to supply with your Appeal Form, please send a copy by the deadline date given in your appointment letter, so that the Panel members and Representative from the Admission Authority can read it before the Hearing.

Any documents provided after the deadline date will only be considered if the Panel agrees, having taken into account the significance of the material and the implications if the Hearing has to be adjourned to allow time for everyone to read and consider the additional paperwork.

The Appeal Hearing

The Appeal Panel

Membership of the Appeal Panel comprises a chair and at least two other panel members. At least one person must be a lay member and another with experience in education. The Panel is independent of the Admission Authority. None of the members will have been connected with the allocation, or with any schools concerned. The Panel must take account of your preference and the County Council's arrangements for allocating pupils in excess of a School's Standard Number, if that is thought to be justified in all the circumstances. It will base its decision on the allocation of pupils and on the circumstances of each case.

Attending the Hearing

If you decide to attend the Hearing, please wait in the waiting area until you are called into the room where the Appeal will be heard. Every effort will be made to hear appeals at the time stated in the letter that is sent to you, but, sometimes, earlier appeals may take longer than expected.

Who may be Present?

Appeals will be heard in private. The three members of the Appeal Panel will, of course, be present, together with usually a Clerk to make notes and advise the Panel on matters of Law and procedure (but not to participate in the decision making). The Admission Authority will normally be represented by Presenting Officer who will enter and leave with you.

The Appeal Hearing will follow the procedure set out in the Code of Practice. This may make the Appeal Hearing appear rather formal; however, every effort is made to put parents at their ease and give them every opportunity to present their case. The procedure is based on fairness and will normally be as follows.

1. Parents and Presenting Officer called in, Chairperson to introduce everyone and explain procedure and decision process.
2. Presenting Officer to explain the School's Case.
3. Parents to ask questions of Presenting Officer.
4. Panel to ask questions of Presenting Officer.
5. Parents to explain reasons for appeal.
6. Presenting Officer to ask questions of parents.
7. Panel to ask questions of parents.
8. Presenting Officer to sum up.
9. Parents to sum up.
10. Parents and Presenting Officer to leave.
11. Panel to discuss the case and come to a decision.

The Appeal Panel will make its decision on the basis of the information supplied by you and the Admission Authority. The members of the Panel will have some background knowledge of the school allocation system, but they will not have had a briefing about your case. They will not be given confidential information about your case that is not available to you. Confidential information about other children or their families will not, of course, be made available to you.

Witnesses

It should not normally be necessary for witnesses to be called (a letter or report will normally be sufficient), but the Panel may agree to hear evidence from witnesses if it would be relevant to the Appeal. If you wish to bring witnesses, please let the Clerk know before your appeal hearing.

After the Hearing

The Decision

The Panel will make its decision after you and the Presenting Officer have left the room. It is, first of all, necessary for the Presenting Officer to have satisfied the Panel that the Admission Authority was legally entitled to refuse a place at your preferred school on one of the grounds in Section 86 of the School Standards and Framework Act 1998 (see paragraph 3.1). If the Panel is not satisfied that one of the Section 86 grounds applies, then your Appeal must be allowed. Once the Panel is satisfied that the Admission Authority was legally entitled to refuse a place at your preferred school, it must then balance the reasons for your preference against the consequences of allowing your Appeal, taking account of the published admission arrangements. This may involve considering the consequences of allowing all or only some appeals for the same school and the grounds for each of those appeals.

Adjournment

It is sometimes necessary for the Panel to defer making a decision, e.g. to allow it to hear a number of competing claims for the same school or to give parents and the Presenting Officer an opportunity to discuss a possible solution.

Announcing a Decision

When a decision has been made, it will be notified to you in writing as soon as possible, with a statement of the reasons for the decision if your wishes have not been met. If your wishes have been met, the new school allocated will also be told of the decision.

The Effect of the Decision

If your Appeal is successful, it will be binding on the Admission Authority. If your Appeal was not successful, it might still be possible for the Admission Authority to offer you a place in your preferred school if vacancies occur later. If you are still interested, you should contact the Admission Authority and ask to remain on the waiting list.

What Next?

There is no further right of appeal against the Appeal Panel's decision. However, if you consider that there has been maladministration in the way the decision has been reached, then you may complain to the EFA or the Local Government Ombudsman. It is also possible for an application for judicial review to be made, but you would be advised to seek legal advice if you consider this course of action. The Secretary of State cannot review decisions of individual Appeal Panels, but can consider whether the Appeal Panel was correctly constituted or whether the Local Authority has acted reasonably in exercising its functions in respect of the Appeal Process.