

# Information for Parents

Children's Services



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## **School Admission Appeals – academies and foundation and voluntary aided schools**

For the purposes of this document the term parents will refer to parents or carers. The term 'admission authority' relates to the governing body of the foundation school, voluntary aided school or academy to which an application has been made.

### **Who has a right of appeal?**

If you are not offered a place for your child at the school or academy of your choice you can appeal to an Independent Admission Appeal Panel. If you are the parent of a child with a Statement of Special Educational Needs you should contact the Special Educational Needs Service for advice, as appeals in these circumstances are considered by a Special Educational Needs and Disability Tribunal rather than an Independent Admission Appeal Panel.

There is another exception. If your child has been permanently excluded twice, your right of appeal is suspended for two years.

The power of an appeal panel to intervene can be more limited in relation to admission to an infant class than it is in other situations. Infant classes must not contain more than 30 pupils and if the decision to refuse is based on infant class size grounds, an appeal panel's powers are more limited. For information about this you should contact School Admissions and ask for the information sheet - *School Admission Appeals - refusals on Infant Class Size grounds for academies and foundation and voluntary aided schools*.

### **Who is responsible for establishing the appeals arrangements?**

For each foundation, voluntary aided school and academy, the governing body or academy trust is the admission authority and is, therefore, responsible for making the independent appeals arrangements. They must be arranged in line with the requirements of the 1998 School Standards and Framework Act and the School Admission Appeals Code.

### **How do I appeal?**

If your child is refused admission to a school or academy you will be notified in writing. The letter should include details of the appeals process and tell you who to contact.

Admission authorities must give appellants at least 20 school days from the date of notification that their application was unsuccessful to prepare and submit their written appeal to the admission authority. If an appellant submits a late appeal, admission authorities should arrange for it to be heard at the same time as other appeals for the same school or academy if this is possible. Otherwise the appeal will have to be heard later, as there is no statutory time limit on submission of an appeal.

Admission authorities must ensure that appeals are lodged by the appropriate deadlines are heard within the following timescales:

a) for applications made in the normal admissions round, appeals **must** be heard within 40 school days of the deadline for lodging appeals;

b) for late applications, appeals should be heard within 40 school days from the deadline for lodging appeals where possible, or within 30 school days of the appeal being lodged;

c) for applications to sixth forms:

i) where the offer of a place would have been conditional upon exam results, appeals must be heard within 30 school days of confirmation of those results;

ii) where the offer of a place would not have been conditional upon exam results, appeals must be heard within 40 school days of the deadline for lodging appeals;

d) for applications for in-year admissions, appeals must be heard within 30 school days of the appeal being lodged.

If you submit an appeal, it must be in writing and must include details of why you are appealing, why you want your child to attend your preferred school or academy. If you feel that the admission authority's admission arrangements are either not in line with both the mandatory requirements of the School Admissions Code and provisions of part 3 of the School Standards and Framework Act 1998, or have not been correctly applied. You should give full details. This will be sent to the panel before the hearing together with copies of all relevant documents about your case.

## **Can I submit documentary evidence?**

Yes, you can submit documentary evidence to support your case. For example, if you feel there are medical factors you should provide medical evidence. If you are moving house and this is the reason for your appeal, you should provide proof of this. If part of your appeal is based on information in a document, you will need to provide this document, eg, Ofsted reports.

The responsibility for submitting any written evidence for the panel to consider is yours and not the admission authority. If possible, it should be sent with your written appeal. If you are not able to do this, you should send it in separately before the hearing. However, if you submit significant information less than three working days before the appeal hearing, the panel may not be able to consider the information that has been supplied late or may have to adjourn the hearing to consider the information they have received and to allow the admission authority time to respond.

## **What do I receive before the hearing?**

You must receive notification of the date of appeal at least ten school days before the hearing, unless you agree to less.

At least 7 working days before the hearing you should be sent a written statement prepared by the governing body/academy trust. This should explain why, in applying the admissions arrangements, it was not possible to offer your child a place. Where your appeal relates to the Local Authority's [LA's] application of the co-ordinated admissions scheme, a statement from the LA about this would also be included.

The governing body/academy trust's statement should also include an explanation of why the admission of additional pupils would cause difficulties. This is referred to in the 1998 School Standards and Framework Act as prejudice to efficient education or the efficient use of resources.

## **Can I attend the hearing?**

You can attend the hearing in person to put your case to the appeal panel. If you do not attend, you will not have the opportunity to ask questions of the admission authority or to answer questions or give more detail about your own case and your appeal will be heard on the information in your written appeal and any other supporting documentation you have provided.

## **Can I have representation at the hearing?**

Appeal panels must make every effort to allow appellants the opportunity to appear in person, make oral representations and clarify or supplement their written appeal. Appellants may be accompanied or represented by a friend, interpreter or signer who may speak on their behalf at the hearing.

Panels must not allow representatives of schools or academies to support individual appeals for places at their school or academy at the hearing itself or by providing letters of support for appellants, because of possible conflicts of interest and the possibility of unfairness to other appellants.

## **Can I have assistance with translation/sign language?**

If English is not your first language and/or you have either a speech or hearing impairment, which you believe may inhibit your effective participation in the appeal hearing, you may ask the admission authority to provide an interpreter and/or a signer to help you.

## **Who sits on an appeal panel?**

Appeal panels must be entirely independent of the governing body/academy trust of the school or academy you are appealing for. They must be made up of independent members, both lay people and people with knowledge of education. They have the services of a clerk who must also be independent and is not a member of the panel and does not take part in the decision making. The clerk has an important part to play in being a source of independent advice both on procedure and on the law as it relates to school admissions and admission appeals.

## **What happens on the day of the hearing?**

There are two parties in the appeals process. One is the admission authority [governing body/academy trust] representing the interests of the school or academy. The other is, of course, you as a parent. The process allows each party to present its case, and for it to be challenged and questioned by the other party.

Appeals often follow a common format. They are conducted as informally as possible but they need to be structured to make sure that everyone can have their say.

It is likely that the admission authority's representative will present the case for refusing admission first. The admissions arrangements will be explained and why in applying them

your application was refused. There should also be an explanation of the relevant issues at the school or academy. You may then ask questions about the detail of the case, as may the panel.

If the appeal panel decide to go to the second stage, you will be asked to present your case. This is your chance to explain why you wish your child to attend your preferred school or academy and to provide information about your personal circumstances, which you feel may be relevant, and explain why you feel these outweigh the prejudice [difficulties] to the school or academy. Once you have finished, the admission authority's body representative and members of the panel may ask you questions.

At the end, the admission authority's representative will be able to summarise the main points of their case and you will be able to summarise your own case. Both parties then leave the hearing to enable the panel to make its decision.

## **How does the appeal panel reach its decision?**

Panels must follow the two-stage process as set out below for all appeals, other than those against decisions made on the grounds of the infant class size prejudice:

(a) First Stage: examining the decision to refuse admission, at which the Panel considers whether the school or academy's published admission arrangements:

- (i) meet with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998.
- (ii) were correctly and impartially applied in the individual's case,

and decides whether "prejudice" would arise were the child to be admitted. If this is proven, the Panel moves on to the second stage.

(b) Second Stage: balancing the arguments, at which the Panel exercises its discretion, balancing the degree of prejudice to the school or academy against the appellant's case for the child being admitted to the preferred school or academy, before arriving at a decision.

## **What happens if there is more than one appeal?**

It is not unusual for an appeal panel to hear several appeals for the same school or academy and therefore other parents may arrive at the same time as you. These are often referred to as multiple appeals. All the parents enter the hearing and sit together whilst the admission authority's case is put to the appeal panel. Depending on the number of parents appealing, this could take up most of the day. The panel will then see each parent separately, most likely on a different day, to hear their case. Decisions should not be made until all the appeals have been heard.

In reaching a decision where there are multiple appeals, the panel will follow the same two-stage process as above. Where the panel decides that prejudice exists at the first stage, it will then move to the second stage, where the appeals of all parents will be heard individually [without the presence of the others]. A major difference is that if there are several cases which outweigh the prejudice to the school or academy and merit admission, but the panel decides that the school or academy could not cope with that number of

successful appeals, the panel will then compare all cases and decide which of the appeals to uphold.

Further details on decision making in multiple appeals can be found in the School Admission Appeals Code. Details of where to obtain a copy are shown at the end of this document.

## **Does the appeal panel follow these stages if admission has been refused on infant class size grounds?**

If admission has been refused on infant class size grounds there is also a two-stage process but the second stage would only be in multiple appeals and is for the purpose of “comparing cases”. For further information, contact School Admissions and Appeals and ask for *School Admission Appeals and the Infant Class Size Limit - Foundation and Voluntary Aided Schools and Academies*.

## **Will I know the outcome on the day?**

Whenever possible panels try to let parents know the outcome on the same day as the hearing and when this possible the clerk will offer to telephone you. You will also receive written confirmation, usually within five school days, unless there is a good reason for not doing so.

If there are a number of appeals for the same school no decisions will be taken until all the appeals have been heard which may take more than one day. You will be notified of the outcome as quickly as possible, but where there are multiple appeals, this may take longer than five school days.

## **Further appeals and complaints**

An appeal panel’s decision can only be overturned by the courts where the appellant or admission authority is successful in applying for Judicial Review of that decision.

The Local Government Ombudsman (LGO) can investigate written complaints about maladministration on the part of a Panel hearing appeals for an academy, but only where they have converted from a maintained school during the admissions process. Schools that convert to academies in the future will be bound through the Academy Agreement to cooperate with an investigation by the LGO that relates to a complaint about events occurring before conversion in respect of school admissions and appeals.

This is not a right of appeal. Maladministration covers issues such as failure to follow correct procedures or a failure to act independently and fairly, rather than complaints where a person simply feels that the decision taken is wrong.

Parents can reapply for a place in the next academic year. If there are still no places available in the year group, which may well be the case, the application would again be refused and a further right of appeal would be offered. A new application [and therefore a new appeal] would not be considered in the same academic year unless there was a significant change in circumstances, such as a change of address resulting in a move into the area.

## **Where can I find out further information?**

If you have any queries about the appeals arrangements at a particular foundation, voluntary aided school or academy, you will need to contact the school or academy. Staff in School Admissions and Appeals can provide general advice about independent appeals arrangements on:

Allerdale and Copeland 01228 221582; Barrow and South Lakes 01228 226775 or  
Carlisle & Eden 01228 221198

A copy of the *School Admission Appeals Code* can be accessed via the Department for Education website. The address is [www.education.gov.uk](http://www.education.gov.uk).

You can also get a free booklet to help with appeals from the Advisory Centre for Education [ACE] at [www.ace-ed.org.uk](http://www.ace-ed.org.uk)