

# SCHOOL STANDARDS AND FRAMEWORK ACT 1998

## Information about Warden Hill Primary School admission appeals

### 1. THE APPEAL SYSTEM

#### 1.1 Purpose of Appeal

The choice of school for your child is, obviously, very important to you. If your child is starting school or moving to another area/school, the Education Service will have tried to satisfy your preference but if it was not possible to allocate a place at your preferred school, you may want to have this decision reviewed by a Body that can act independently and make a fresh allocation if this would seem to be the right course of action. This is the purpose of the School Admission Appeals System.

- 1.2 The purpose of this leaflet is to explain the Appeals 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 Appeals Panel hearing your case will be interested in the reasons for your choice of school, not your skill in presenting your case.

Warden Hill Primary School wants to ensure that you have a genuine right of appeal as the legislation intends.

#### 1.3 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 and is usually towards the end of May unless it is an 'in-year' appeal. 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. For those with internet access, the latest version of the Code (1<sup>st</sup> February 2012) may be viewed at [www.education.gov.uk/schools](http://www.education.gov.uk/schools) or a copy is available in the school office. The Panel also takes account of the Code of Practice on Admissions on the same website.

#### 1.4 Further information

If you decide to appeal, please read this leaflet carefully. The Appeals are organised by the Governing Body as the Admissions Authority and should you need any more information, you should contact the school office in the first instance.

If you have difficulty in understanding the procedure because English is not your first language, please contact the school for assistance.

### **1.5 Appeals covered by this Leaflet**

This leaflet applies only to admission to Warden Hill Primary School. If you require information about procedures for other schools, you should contact the Admissions Officer at Gloucestershire Local Authority.

### **2.1 Admission to Primary or Secondary Schools**

Parents may ask for a child to be admitted to a school in any school term. Most Appeals, however, concern children starting school for the first time or transferring from Primary to Secondary Schools in September each year, or your choice of school when moving into a new area.

### **2.2 Informal Appeals**

If you are not satisfied with the school allocated, you will probably have asked the Education Service to change the allocation (reconsideration). If the result of that review process was still not acceptable, you may decide to make a formal appeal under the School Standards and Framework Act 1998. **You should not make a formal appeal without first having asked the Education Service to change the school allocated for your child and have received a final decision letter.**

### **2.3 Deadline Dates**

You may appeal once in each school year. If you intend to appeal, you are strongly advised to give notice in writing within the time limit stated in the final decision letter if that is possible. Appeals for admission outside the September intake (called an 'in-year' appeal) may be made at any time.

## **3. HOW TO APPEAL**

### **3.1 Statutory Requirements**

The County Council, as the Local Education 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 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. The preferred school is an Academy, a Foundation school or a Voluntary Aided school and compliance with the preference would be incompatible with the special arrangements under Section 91 of the 1998 Act for preserving its religious character.

c. Admission would be incompatible with co-ordinated admission arrangements covering two or more maintained schools which have been approved by the Secretary of State.

d. The child has been permanently excluded from two or more schools. 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 Headteacher has told the pupil not to attend school. If your child is in this situation, please contact the Admissions Officer at Shire Hall for further advice.

### 3.2 Deciding to Appeal

The Executive Director of Education's final decision letter will explain the reasons why your child has not been offered a place at one of your preferred schools. Consider these reasons carefully, in the light of the Statutory Reasons for Refusal and the reasons for wanting your preferred school.

### 3.3 Notice of Appeal

Your notice of appeal **must be in writing**, setting out the grounds on which your appeal is made. Please use the appeal form that is enclosed with this leaflet and return it to the school by the deadline date quoted, together with any documents you may wish to submit to support your appeal.

### 3.4 Other Preferred Schools

When you fill in the Notice of Appeal form, please consider whether you would like to appeal for a place at any other schools, even if they are not in your immediate area, in case your appeal for your preferred school is not upheld. If you do not, you may miss your chance of appealing at the same time for a place at one of your preferred "reserve" schools.

### 3.5 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 as the Appeals Panel has to study the reasons before the hearing takes place. Write down any reasons for choosing your preferred school that you want the Appeals Panel to consider. If you gave your reasons to the Education Service with your original application for a place, you need to repeat these on the form for the Appeals Panel as they will not have seen this Statement. If you do not wish your child to attend the school allocated by the Education Service, you should give your reasons for this decision.

### 3.6 Documents

If you want the Appeals Panel to consider any letters or documents to support your appeal, you should enclose a copy with your Notice of Appeal form (or if it is not yet available, indicate when it is likely to be forwarded). The Appeals Panel has the right to decide whether to permit documents submitted after the deadline date to be considered at the hearing.

If you want the Panel to consider a document that is in the County Council's possession (perhaps a letter which you have written to the Education Service without keeping a copy), please give enough information to allow it to be identified and copied by them. The Panel will only consider documents put forward by you or by the Education Service or by individual schools.

### **3.7 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. You may also feel that a report from your child's current/previous school would be helpful.

### **3.8 Attendance**

It is in the interests of all concerned for parents to attend appeal hearings if at all possible. However, if you are unable to attend, it will not prejudice your case. You may be accompanied by a friend or supporter but you may not be accompanied by a teacher from the school for which you are appealing.

If you are not present, the Panel will hear the case in your absence. This means that they 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 school's Statement, any documents supplied by either of you and the school's published School Admissions Policy.

### **3.9 Special Needs**

If you have special problems in attending the Hearing (perhaps because you have a disability or English is not your first language) or if there is any other information that you think is relevant, please include the information in a separate letter, e.g. you may need a language interpreter or a person able to sign for you or you may not be able to manage stairs).

### **3.10 Sending the Notice**

When you have filled in the Notice of Appeal form, send one copy of the form to the school and retain the other for yourself to bring to the hearing. It is advisable to keep your own copy of all the documents that you have forwarded and bring them to the hearing.

### **3.11 Delay**

Please send in your Notice of Appeal as soon as possible and if it is at the normal time when schools are allocated, no later than the deadline date. If there is an important document that is not yet available, do not hold up your Notice of Appeal beyond the deadline date but add a note about the document you are waiting for and if possible, when you are likely to be able to forward it.

## **4. ARRANGEMENTS FOR THE APPEAL HEARING**

### **4.1 Date and Place**

For 'in-year' appeals, if you want to be present but are genuinely unable to attend on the date allocated, please telephone the school office as soon as possible explaining why you cannot attend on that date. An alternative date may not be available and if so, the case will be heard in your absence. If you are making an 'in year' appeal, you will be offered a hearing date at an appropriate time but no longer than 30 school days from the date of receipt of your appeal form. All Hearings will be held in a place reasonably accessible to you and mostly during the day.

### **4.2 School Visits**

While you are waiting for the date of your Appeal, please do not miss a chance to visit other schools in the area. The visits may provide helpful information and will not prejudice your case in any way.

## **5. THE APPEAL HEARING**

### **5.1 The Appeal Panel**

The Appeals Panel comprises one lay member (who has no connection with education), one non-lay member (who has a knowledge of education) and one other who may be lay or non-lay. The Panel is totally independent of the school. None of the members will have been connected with the original allocation of a school for your child or with Warden Hill Primary School.

The Panel must take account of your preference and the County Council's arrangements for allocating pupils in excess of a School's Published Admission Number (PAN), 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.

### **5.2 Attending the Hearing**

If you decide to attend the hearing, please arrive no later than 5 minutes before the time of your Hearing and you will be shown to the waiting area where you will wait until you are called into the room where the Appeal will be heard. Your invitation letter will give details of the date, time and venue of the hearing. Every effort will be made to hear appeals at the time stated in the letter that is sent to you but if there are other appeals, they could take longer than expected.

### **5.3 Who may be Present**

Appeals will be heard in private with only those entitled to attend being present.

These are as follows:

### **Representatives – for the Admissions Authority (the Governing Body)**

- a. The three members of the Appeals Panel (you will be informed of their names in advance and may ask for a member to be replaced if they are known to you and could not be considered as independent)
- b. The Clerk to the Appeals Panel to make notes and advise the Panel on matters of law and procedure (but not to take any part in the discussion or decision making).
- c. A Presenting Officer to put the case for the school on behalf of the Admissions Authority who will enter and leave the Hearing with you.

### **Representatives – for you (the Appellant) may be one of the following:**

- d. The parent(s)/carer of the pupil.
- e. A friend or supporter who may speak to support your case.

Those in section (e) above are permitted provided that their presence could not lead to a conflict of interest with the Admissions Authority for the school. You should inform the school of the name of any friend or supporter you wish to be present, and not named on your application form, by contacting the school office **no later than the day before the Hearing** if at all possible. The Panel members and the Presenting Officer have to be informed and should any one person object to your supporter, it could delay the hearing. Similarly, should a Panel member have to be replaced at the last minute you will be informed of the name of the replacement and have the right to object if that member is known to you.

A Panel member in training may occasionally be present as an Observer, with your agreement, who will take no part in the proceedings.

It is not appropriate for young children or babies to be brought to the hearing as there is no accommodation or facilities for their care while you are in the hearing and it would be distracting for all concerned.

## **5.4 The Hearing Procedure**

The Appeal Hearing will follow the procedure set out in the Code of Practice. This may make the Hearing appear rather formal. However, every effort is made by the Chairperson and Panel members to put parents at their ease and give them every opportunity to present their case. The procedure is based on fairness and natural justice and you will be given a copy of the order of procedure at the hearing.

Questions from the Presenting Officer or the Panel members should only be to clarify a point or situation, not to introduce completely new information that has not been available prior to the hearing, nor to give advice.

## **5.5 Decision Making by the Panel**

The Appeal Panel will make its decision on the basis of the information supplied by you and the school. 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 other than receiving copies in advance of all the

documents supplied by you and the school. They will not be given confidential information about your case that is not available to you nor will information about other families who may be appealing be made available to you. The Panel may be told that your child is on a waiting list but not their position on the waiting list.

## **5.6 Documents copied to the Panel**

The Panel will have copies of:

- a. Your Appeal Application form and any documents sent with the form.
- b. The School's Statement which will have been sent to you previously setting out the grounds for refusing a place for your child.
- c. Any documents sent with the School's Statement.
- d. Information on the School's Admissions Policy.

## **5.7 Witnesses**

It should not normally be necessary for witnesses to be called (a letter or report will be sufficient), but the Panel may agree to hear evidence from witnesses if it would be relevant to the Appeal. Please inform the school office at the earliest opportunity if you are considering asking the Panel to hear any witnesses.

# **6. AFTER THE HEARING**

## **6.1 About the Decision**

The Panel will make its decision after the Appeal(s) has been heard. It is first of all necessary for the School to have satisfied the Panel that the School was legally entitled to refuse a place at your preferred school on one of the grounds set out in the School Admissions Policy. If the Panel is not satisfied then your appeal must be allowed.

Once the Panel is satisfied on this point, it must then balance the prejudice to the school of allowing your appeal, against the reasons for your preference taking into account the published admission arrangements and any extenuating circumstances in your case that would outweigh the prejudice caused to the school. This may involve considering the consequences to the school of allowing some of the appeals and the individual grounds for those appeals. Each case is considered on merit and is not dependent on a 'quota' system nor is it considered against the case for any other appellant.

## **6.2 Adjournment**

It is sometimes necessary for a Panel to defer making a decision if vital information is not available at the time.

## **6.3 Announcing the Decision**

When a decision has been made it will be notified to you in a letter sent as soon as possible and no later than 5 school days after the last hearing and it

will give the reasons for that decision. If your Appeal was 'in year' and the Panel upheld your Appeal, the school will notify you of the date on which your child should attend at the school to register.

#### 6.4 The Effect of the Decision

An Appeal may be upheld or not upheld and the decision is binding. If your Appeal is not successful, it is usually possible for your child's name to be put on a waiting list in case vacancies occur later.

#### 6.5 What Next?

There is no further Right of Appeal against the Appeal Panel's decision. However, if you consider that there has been maladministration (not keeping to the rules) **in the way the Hearing was conducted or prepared**, (not just that you did not agree with the decision) you have the right to complain to the Education Funding Agency (EFA). Information on how to do this may be obtained from the school. The EFA cannot alter the decision of the Panel but if they consider that maladministration has taken place during the appeal procedure, they can suggest a way forward for the Admissions Authority.