

## SCHOOL ADMISSION APPEALS PROCEDURES – GUIDE FOR PARENTS

### **Things to consider before you appeal**

There are things you need to consider before you make a school admission appeal. You will have to set your appeal out in writing and attend an appeal hearing.

Before you make an appeal, it will also be helpful for you to understand how the school allocated their places, so you can understand why your child did not get a place. A school's admission arrangements can be found on the school's or council's website.

### **Reasons for refusing admission**

Your admission decision letter should give the reason why your child was refused a place at your choice of school. You can contact the admission authority for more details. Contact details of the school's admission authority should be on your admission decision letter.

In most cases your child will not have been offered a place because there were other children who more closely met the school's oversubscription criteria.

If you made an application outside the normal points of entry, typically at reception and Year 7, it's likely that the school was not able to offer your child a place because the year group you applied for is full.

### **Your case for appeal**

It's important that you clearly set out the reasons why your child should have a place at your choice of school in both your written appeal and at the appeal hearing.

You can make an appeal because you want your child to attend a particular school over any other, but the stronger your reasons the better chance you have of your appeal being successful.

You should focus on what the school can offer that meets your child's needs. This can include what the school can offer that other schools cannot and what the impact will be on your child in not attending the school of your choice.

You can also appeal if you believe that the admission authority did not apply their admission arrangements properly and if they had applied them properly, they would have offered your child a place at the school.

### **The appeals process**

The admission decision letter informing you that your child was refused a place at your preferred school will:

- explain how you can appeal this decision

- tell you where to send your appeal to, and the deadline for appealing

You will need to submit your appeal in writing. If you believe there has been a mistake (for example, the admissions criteria have not been applied correctly) you should set out why the admission authority should have offered your child a place. Whether or not you believe there has been a mistake, you should explain why you believe the school should admit your child anyway.

You will usually appeal to the admission authority of the school. They should allow you at least 20 school days to write and send in your appeal.

If you cannot send all the information and supporting evidence you want to at the time you submit your appeal, it's important you send it before the deadline given by the admission authority.

This is because the appeals clerk needs to send it to the appeals panel and admission authority for them to consider before the hearing. If you submit anything after the deadline, panels can refuse to accept it as they may not have had time to consider it or it may delay your hearing.

Once you have submitted your appeal the admission authority will let you know the time, date and location of your appeal hearing. They will give you at least 10 school days' notice, unless you have told them that you do not need this much notice.

### **Who takes part in the appeal hearing?**

There will usually be the following people at the appeal hearing: The independent appeals clerk They are responsible for all the administrative arrangements for the appeal. They will explain everything that will happen on the day of your appeal hearing and what will happen after your hearing. They will also be able to give you independent and impartial advice on the appeals process and admissions law.

### **The independent appeals panel**

They make the decision on whether to uphold or dismiss your appeal. There are usually 3 people on the panel.

If the panel upholds your appeal the admission authority must offer your child a place at the school. If the panel does not uphold your appeal, then the admission authority will not offer your child a place at the school.

### **The presenting officer**

They are a representative of the admission authority, usually referred to as the presenting officer. They will be there to present the school's case for why they refused your child a place at the school. There can be more than 1 representative at the hearing.

## **Appellant**

This is you (parent or carer). You must present the reasons why you believe the school should admit your child. You can be represented and you can take a friend, family member or someone else with you for support at the hearing. If you require an interpreter, you can request one.

If you or the school's presenting officer fail or are unable to attend, the appeal hearing may still go ahead. The appeal panel may make a decision based on the written evidence, unless it's practical to arrange an alternative date that you can attend.

## **What happens at an appeal hearing?**

It's important you understand what will happen at an appeal hearing so that you can be prepared. First, the clerk or the chair of the panel will introduce everyone to the hearing. They will explain everything that will happen during and after your hearing.

The panel will then usually hear the appeal in 2 parts.

First, it will ask the presenting officer to present the admission authority's reasons for refusing to admit another child at the school. Then, the panel will ask you to present your reasons as to why you believe the school should admit your child.

Panels can decide to hear appeals in different ways. It can either:

1. Decide to hear both the admission authority's case for refusing admission (Part 1) and your case for appeal (Part 2) one after another and then make their decision on whether to uphold the appeal once the hearing has concluded.

2. Alternatively, the panel may choose to hear the admission authority's case first, and then break to make a decision on whether to uphold the appeal at this stage. If the panel do not uphold the appeal at this stage the appeal will then proceed to Part 2, and the panel will hear your case for appeal. The panel will then break to make their decision on whether to uphold the appeal.

Before the actual hearing, you will receive information about what will happen on the day.

## **Standard appeal hearings**

This is an example of how an appeal hearing might be conducted where the panel hears the appeal in 2 separate parts.

### **Part 1 – The admission authority's case for refusing admission**

The presenting officer will explain why the admission authority does not believe it can admit any more children. Along with the panel, this will also be your opportunity to ask questions and challenge the presenting officer about why the school cannot admit more children.

If there are a number of appeals for places at the same school, for the same year group, then the presenting officer will usually present the admission authority's case in front of all the parents together.

Once the presenting officer has presented the admission authority's case and the panel has enough information from them, you and the presenting officer will leave the room so that the panel can make a decision on whether to uphold your appeal at this stage or proceed to Part 2.

The panel should uphold your appeal at this stage if it finds that either:

- the school's admission arrangements were unlawful and your child would have been offered a place if they were lawful
  - the school's admission arrangements were not applied properly in your child's case and your child would have been offered a place if they were properly applied
- or
- admitting another child at the school would not prejudice the provision of efficient education or the efficient use of resources.

If the panel does not uphold your appeal at this stage, it will proceed to Part 2.

## **Part 2 – Parents' case for appeal**

If the appeal proceeds to Part 2, this is when you'll present your case to the panel. If there are a large number of appeals being held together you might not present on the same day as the school's presenting officer. The clerk will notify you of the exact timings of your appeal.

You'll present your case individually. Only the panel, the clerk and the presenting officer will be present. You'll need to explain why you believe the school should admit your child. The panel and the presenting officer may ask you questions about your case.

The panel may not be able to consider any new information or evidence you present if you've not already submitted it in writing.

After you've presented your case and the panel believes it has enough information to make a decision, the hearing will end. The panel will then discuss and make a decision to either uphold or dismiss your appeal in private. They will weigh up your case for wanting your child to attend the school against the school's arguments for not being able to admit another child. The panel will uphold your appeal if it finds that

the negative impact on your child of not attending your preferred school outweighs the case put forward by the school as to why it cannot admit any more pupils.

You'll receive notice of the outcome of your appeal in writing.

### **After the appeal hearing**

The clerk will normally write to you within 5 school days to notify you of the panel's decision. If the panel is hearing a large number of appeals, this may delay the notification letter. The clerk should inform you if that is the case.

The decision of the appeal panel is binding and only the courts, by way of a judicial review, can overturn a decision.

If the panel upholds your appeal the admission authority must admit your child.

If the panel does not uphold your appeal you still have a number of options you may wish to consider.

### **Complaints about appeals**

If the panel did not uphold your appeal and you think that was because the appeal panel has acted incorrectly, you may make a complaint of maladministration.

Any complaint must relate to issues such as failure to follow correct procedure or failure to act independently or fairly. You cannot complain simply because you do not agree with the panel's decision.

For complaints against the appeal panel for a school maintained by your local council, you should complain to the Local Government and Social Care Ombudsman. For complaints against the appeal panel for an academy you should complain to the Education and Skills Funding Agency.

### **Your evidence**

You must explain in writing on the appeal form why you want the school place. You can also send the School, by post or email, documents and written evidence in support of your appeal. The Appeal Panel will read this carefully before it makes its decision, if it is received on time.

- It is your responsibility to provide evidence in support of your appeal and on time. • The School and the Appeal Panel cannot obtain evidence on your behalf.

- Anything you send to the Admissions Team is not automatically provided to the School.

- If you make more than 1 appeal, send separate copies of your evidence for each one.
- The evidence you should think about sending us depends on the type of appeal.
- You should try to send your evidence with your appeal form.
- Otherwise, send it as soon as possible afterwards and no later than 10 working days before your appeal, (or, if you have separate Stage 1 and 2 hearings, at least 10 working days before Stage 1).
- If you provide evidence late, send 6 copies of it by post (NOT email) or by hand.

If evidence or information is received late, the Appeal Panel may not be able to see it or your appeal may be delayed.

It is advised that you start collecting together the documents you want the Appeal Panel to see as soon as possible and please:

- number the pages
- use correct postage (if you are sending documents by post)
- provide documents in A4 size
- do not send photographs of documents (they cannot be copied)
- do not send letters of support from the school you are appealing
- do not send evidence after your appeal hearing – the Appeal Panel will not see it
- do not send original documents

### **Your evidence**

You will need to explain on your appeal form why you want a place at this particular school and provide evidence in support, if possible. For example:

- if you have medical, social or educational reasons for wanting the school place, provide written evidence from a doctor, medical practitioner or other professional
- if you want a place at the school due to the subjects offered or the school's ethos, explain why you particularly want these subjects or ethos
- if your reasons are due to a house move, provide written evidence of exchange of contracts or tenancy. (Do not send the whole tenancy agreement or contract; a first and signature page or solicitor's letter is enough)
- if you are unhappy with the current school, explain what has happened and what you and the school have done to deal with the problems, and include letters, emails and reports

- if your reasons relate to family circumstances, provide details and supporting evidence

These are examples only and it is your responsibility to provide evidence in support of your appeal and send it to the School on time. You will need to show that there are strong reasons for wanting a place at the particular school. You should provide this evidence when you submit your appeal form or as soon as possible afterwards and no later than 10 days before the appeal or it may not be seen by the Appeal Panel.

#### Useful documents

- School Admissions Code 2014
- School Appeals Code 2012