



School Admission Appeals

A Guide for Parents appealing for a place at a school or academy which is its own admission authority

For foundation, voluntary aided, trust and free schools as well as academies the governing body or trust board is the admission authority for the school and are therefore responsible for organising admission appeals.

Appeals for a transfer admission round (i.e. admission to Reception classes, transfer to junior school and transfer to secondary school) must be heard within 40 school days of the deadline for lodging appeals. Appeals in respect of in year admissions must be heard within 30 school days of the date of the appeal being lodged with the school.

Each reference to a school below also includes academies.

What are my rights?

As a parent you have the right to say which school you would prefer your child to go to. This is not the same as having the right to choose which school your child goes to.

The school's governing body, which is responsible for admissions, must offer your child a place at the school you would like them to attend UNLESS they can show that doing this will harm the quality of education they provide or make it less efficient.

The legal phrase for this is:

"That to do so will prejudice the provision of efficient education or the efficient use of resources."

This means that the governors of the school have agreed that there should be a limit to the number of pupils that can be accommodated at the school or in an individual classroom. If the school has to go over that number then it will cause some difficulties. It is up to the Appeal Panel at an appeal to decide if this limit is reasonable.

If your application for a place has been turned down, you have the right to appeal against that decision to an independent Appeal Panel.

If your child has an educational, health and care plan (EHCP) or Statement of Special Educational Needs (SEN), your appeal will need to be made to the Special Educational Needs Tribunal.

You do not have the right to appeal for a school if your child has been permanently excluded from two or more schools.

Your right to an appeal is set out in Section 86 of the School Standards and Framework Act 1998.

How are independent appeal panels set up?

Panels are set up under Schedule 24 of the School Standards and Framework Act 1998. They are usually made up of either three or five people selected as follows:

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| At least one Lay Member | - | Someone who is not directly connected with the Council, or with any of the Council's Schools, unless as a volunteer. |
| At least one person with knowledge or experience of education | - | Someone who has experience in education; or who is familiar with schools in Norfolk; or who is a parent of a child at a school (though they cannot be parents of a pupil at the school concerned in the appeal). |

The remaining panel member(s) will be from either of the above categories.

The independence of Appeal Panels

The law says that Panels must be independent, and there are many ways that we can show this. For example: -

- They are not paid.
- They do not report to, nor are they responsible to, the County Council.
- They must work within the national statutory Code of Practice on School Admission Appeals.
- Members do not sit on Panels where they have a conflict of interest.
- The work of the Panel is monitored by the Council on Tribunals.
- Parents and education representatives are not present when a Panel makes its decisions.
- The decision of the Panel is binding on both Children's Services and the parents.

What powers do the Appeal Panel have?

The appeal panel can either refuse or allow your appeal.

The appeal panel cannot: -

- attach any conditions if it allows your appeal.
- hear complaints or wider objections about local admission policies and practice.
- make Children's Services change your position on the waiting list for the school.

The role of the clerk

The clerk is not a member of the panel but has an important role to play in ensuring that relevant facts are established and that the appeal hearing is fair.

The clerk will be properly trained.

The clerk's key tasks are to:

- explain the basic procedures to parents/guardians and deal with any questions they may have.
- make sure that the facts are presented.
- make sure that the appeal runs smoothly.
- be an independent source of advice on the way the appeal is run.
- write notes of the meeting, decisions and reasons.
- tell all parties of the panel's decision.

How do I prepare for the Hearing?

Normally, at least seven days before the appeal meeting you will be sent a full set of papers which will include: -

- The case for the Governing Body stating why they cannot give your child a place at your preferred school.
- Your appeal form and/or letter.
- Relevant correspondence between yourself and the Governing Body.
- Papers you have supplied to support your appeal.

This information will be sent to the Governing Body, the Headteacher, the Panel and the Clerk.

We would strongly recommend that you attend the hearing and, if you wish, you can bring a friend or representative.

You must provide all the evidence that you want the Panel to consider. If some of your reasons involve for example, medical issues or a house purchase, it would be helpful if you could provide written evidence to support your case.

If you wish to give any further evidence at the hearing, you should send it to the Appeals Administrator, Children's Services, Floor 8, County Hall, Norwich, NR1 2DL. Please forward any information as soon as possible. If you are not able to send your additional evidence in time, then the Panel may be able to look at it if you bring it to the appeal meeting. If you can, please bring several copies. It is much better to get all the information in support of your appeal to the Panel before the meeting because if your evidence is lengthy, the Panel may have to stop the meeting to consider it.

Who attends the hearing?

- The Panel
- A Clerk appointed by the Chief Executive's Department of the Norfolk County Council, who takes notes of what is said and gives the Panel legal advice
- A representative from the school.
- Sometimes an observer. This may be someone who is training to be a panel member, an appeal clerk or a Children's Services Authority Officer.

Do I have to attend the meeting?

You do not have to go to the appeal meeting as the Panel will consider your case based on what you've written in your notice of appeal. However, it is better for you to go if possible because the Panel may have important questions to ask which could affect the result. If you are unable to go yourself, you may wish to ask a friend or a relative to go on your behalf.

How is the appeal meeting run?

The members of the Panel will be introduced and the Chairman will explain what is going to happen.

The Panel must go through 2 stages. The first stage is to find out whether the governing body of the school has good reasons for not giving your child a place. They would have to show that the school has reached its intake limit and that the admission of one more child would prejudice the provision of efficient education or the efficient use of resources.

If the Panel decides that the governing body has not proven its case, and if there is only one appeal, then your appeal must be allowed.

If there is more than one appeal and the Panel decides that the governing body has not proven its case, it must then decide how many children could be admitted. The Panel will then need to allow appeals up to that number, following the school's admissions criteria. The appeals of the other parents will then be considered in the second stage.

If the Panel agrees with the governing body's case i.e. that the school is full, then the Panel goes into the second stage. This is when the Panel considers whether the details in your case are strong enough to override the grounds established by the governing body.

There may be appeals from several parents for places at the same school. As the governing body's case will usually be the same for all the appeals it will only be put to the Appeal Panel once. All the parents involved are invited to attend this part of the meeting first.

If at any time during the meeting you need time to think, for example, if you are taken by surprise by any information given, or if you need to compose yourself, you can ask for a break in the meeting – this is called an adjournment.

What happens at the meeting?

First Stage

This is what happens in the first stage.

1. Governing body's representative called a presenting officer explains their case.
2. Parent's questions.
3. Panel's questions. (These may be asked at any time).
4. Any other points that the governing body's representative and the parents wish to make.

The meeting must be fair. If you do not understand anything that is said, ask for it to be explained.

Parents and the governing body's presenting officer will then leave so that the Panel can make their decision. If the Panel agree that the governing body has proved its case then the second stage starts.

Second Stage

1. If you are the only person appealing, then it is your turn to speak about the reasons why it is important for your child to go to this school. This part will take about 30 minutes, although there is no time limit. If there are several parents appealing, then you will each have been given a different time to speak to the panel about your case and each case is heard in private.
2. Governing body's presenting officer can ask questions.
3. Panel's questions. (These can be asked at any time).
4. Governing body's presenting officer can respond.
5. Parents' can sum up their case. This means that you have a chance to bring together the main points that you have already made.

Parents and governing body's presenting officer leave so that the Panel can make a decision.

What happens after the appeal?

After the hearing, the Panel and Clerk meet in private to make their decisions. Once the decisions have been made, the clerk will let the Appeals Administrator know the results.

They will try and let you know the outcome of your appeal, by telephone or email, as soon as possible (this is often on the same day as the appeal hearing). You will also receive written confirmation of the decision. The decision letter from them will say the reasons the Panel gave for their decision.

Do I have any further right of appeal?

The decision of the panel is binding on the admissions authority, school and parents.

There is no appeal against the decision of the Appeal Panel. However, if there are significant and material changes in your circumstances e.g. you move into the catchment area, or a medical condition has arisen since you last applied, you have the right to re-apply for admission within the same academic year. If the school still cannot admit you, you have the right to a fresh appeal. You may re-apply in the following academic year and you have the right to a fresh appeal if it is still necessary because the year group is still full.

If you believe that the appeal meeting was not properly conducted – this is called maladministration. In this case, you can complain to the Local Government & Social Care Ombudsman. This is not a right of appeal against the decision, as the Ombudsman can only investigate complaints about maladministration on the part of the appeal panel.

If you wish for details about complaining to the Ombudsman please speak to the Appeals Administrator on (01603) 224388.

The only way to challenge a decision made by the Appeal Panel is to apply for a judicial review of the decision. If you wish to consider this course of action you should seek independent legal advice as soon as possible as normally there is a time limit.

Do you have any good tips on how best to make my appeal?

Our advice is:

- Make sure you understand how the appeal will run.
- Make notes of any questions you may have about the appeal.
- Make sure that you have looked at all the papers before the appeal.
- Decide what you would like to say when the panel invites you to give your reasons – it might be helpful to make a note of the main points. Tell the Panel all the reasons why you want a place at your preferred school. Do not expect the Panel to guess how your child might be affected; remember problems affect different children in different ways.
- Make sure that you have provided all the paperwork to support your appeal e.g. medical evidence, confirmation of your house purchase or rental agreement.
- Check out the alternative schools on offer. Find out for yourself and do not take the word of others.
- Focus on why your preferred school would be a good choice for your child and why it would be difficult for your child if they could not go to this school.
- Attend your appeal meeting if possible.

Further Information

Any further queries should be addressed direct the school.

The Department for Education have produced a booklet “Primary and Secondary School Admissions and Appeals: A Guide for Parents” which is available from www.teachernet.gov.uk/publications or by phoning 0845 6022260 and quoting reference 00160-2008BKT-EN.

Parents can contact the Advisory Centre for Education (ACE) Ltd, which is an independent national advice centre. They provide clear advice and information particularly for parents on admission appeals through a national advice line and a wide range of publications. Especially helpful is a booklet called “Appealing for a School”.

ACE can be contacted on 0300 0115 142 Monday – Friday (10.00am –1.00pm). Their website address is www.ace-ed.org.uk.

We hope that you have found this guidance note helpful.

If you would like this document in large print, audio, Braille, alternative format or in a different language please contact Children’s Services on (01603) 224388 and we will do our best to help.