

Parents' Guide to Admission Appeals

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Introduction

Your right of appeal

If it has not been possible to offer your child a place at your preferred school, you have the right, by law, to appeal to an independent appeal panel.

We understand how important making decisions about your child's education and schooling are to you. We know that deciding to appeal and going through the appeals process can be a worrying and anxious time.

With this mind, we hope that the information contained in this leaflet will serve to simplify and clarify the appeals system. You will find a step-by-step guide to making an appeal. It will take you through each stage of the appeal process, explaining what happens at each point and tell you what you need to do.

This leaflet makes reference to 'the council' but it can be the council or the school/academy that will need to put in place arrangements for independent appeals. The process will be much the same as set out in the document as legal requirements must be followed. In some cases, a multiple appeal approach is used when there is a high volume of appeals for the same school. Information is provided on page 10 on multiple appeals.

Deciding to make an appeal

If it has not been possible to offer your child a place at your preferred school, you may decide that you want to exercise your right of appeal against this decision.

When considering whether to appeal, it is important that you are aware that although the law allows you the opportunity to appeal against admission decisions, it does not give your child the right to a place at a particular school. There is no guarantee that your appeal will be successful. If you are appealing for a place at a particular school, you should make arrangements for a place at an alternative school in case your appeal is unsuccessful. Accepting a place at another school does not affect your right to appeal concerning a place at the school you would prefer.

The admissions arrangements for secondary schools in the tri-borough area (Kensington & Chelsea, Hammersmith & Fulham and Westminster) are published in summary form in the annual composite prospectuses. The full arrangements are available in the 'determined admission arrangements'. These documents can be viewed on the following websites:

- Kensington & Chelsea schools: www.rbkc.gov.uk/schools/admissions
- Westminster schools: www.westminster.gov.uk/admissions
- Hammersmith & Fulham schools: www.lbfh.gov.uk/admissions

Copies will also appear on the respective school's websites and are also available directly from the School Admissions Team based at Kensington Town Hall, Hornton Street, London W8 7NX (tel no. 020 7745 6432 / 6433 / 6434)

Completing the Appeal Form

- You will first need to request an appeal form. The council provide a standard appeal form that can be used for most schools. Some schools will have their own appeal form so you are advised to contact the Admissions team in the first instance so we can point you in the right direction.
- Once you have the correct form please complete the appeal form using black or blue ink or typescript.
- Include as much information as you can in the section that asks you to give your reasons for wishing to appeal. Here, you should explain, as fully as you can, the reasons why you want your child to attend the school that you have been refused. If you do not think that your application has been treated correctly or fairly, or in accordance with the admissions criteria, then you should explain why you think this is the case. Attach additional paper if you need to.
- If there are new medical or social factors involved in your reasons for appealing (ie which have arisen since your original application for the school was made) it is important that these are supported by a letter from a professional such as a doctor or social worker. This should be sent with your completed appeal form.
- You may include any other letters, correspondence, written reports or documents to support your case.
- Ensure that your form is returned by the required deadline. If you are completing the form provided by the council you will need to return to the **School Admissions Team at Green Zone 2nd Floor, Kensington Town Hall, Hornton Street, London W8 7NX**. If you obtained the appeal form from the school you will need to return to the address the school provides on their form.
- Please make sure that you have included as much information as you can and that you have enclosed all the supporting documentation for your appeal. This is important because, if, for any reason, you do not attend the hearing then the panel will make a decision based on your written submission only.
- Your completed form, and any additional papers that you submit with it constitutes your written case for appeal. It will be sent to all members of the admission appeals panel in advance of the appeal hearing.

Preparing for your Appeal

The council will make arrangements for your case to be heard by an independent admissions appeal panel. Your appeal will normally be heard within 30 school days of receiving your appeal form, or in the case of admission to reception class appeals or secondary transfer appeals, within 40 school days of the closing date for appeals.

The council use a number of venues for appeal hearings. You will receive notice, at least 10 school days in advance, of the time and place of your appeal. The hearing will normally last for about 15-20 minutes but there are no restrictions if more time is needed.

Before the hearing date you will also be sent the papers for your case. These will include:

1. the names of the panel members and clerk (if not previously notified of these).
2. a copy of your appeal form;
3. a copy of any supporting information submitted with your appeal;
4. a written statement from the Local Authority (LA) or the school/academy explaining how places were allocated at the school and why your child was not offered a place at the school;
5. any further information specific to your individual case.

Before the day of the appeal hearing you might wish to prepare yourself by:

- Looking at the procedures for the hearing, outlined on the following pages.
- Making a note of any questions you may have about your appeal.
- Making sure you have looked at the LA/school/academy case (which will be included in the papers you will receive prior to the hearing).
- Spending some time deciding what you would like to say when the panel invites you to explain your reasons for wanting your child to attend your preferred school. The panel will have already had the opportunity to read through your written statement and supporting documents prior to the appeal, so it will not be necessary for you to read out your entire appeal paperwork verbatim.
- Reading your appeal form and ensuring that you have submitted all the paperwork to support your appeal.
- Deciding who will attend the hearing. You may bring a member of your family, a friend or other representative with you to help you make your case or simply to give you support.
- If you need an interpreter or any other type of assistance to help you at your hearing, please ensure that you state this on your appeal form.

The Appeal Panel

What is an independent appeal panel?

The law requires that your LA must make arrangements for you to appeal to an independent appeal panel if the LA has not met your preference for the school you wish your child to attend.

The composition of the appeal panel and the procedures it follows when appeals are governed by School Admissions Appeals Code issued by the Department for Education.

The appeal panel can either refuse or allow your appeal. It has no other powers. The panel's decision is binding on you (the appellant) and the school/academy.

The Panel Members

Your appeal will be heard by a panel of three people who are completely independent of the Council and the school/academy for which you are appealing. The panel will include at least one person with experience in education or who knows about education conditions in the area, or is a parent with a child at a school. The panel will also include at least one "lay" member, who is someone who has no personal experience in managing a school or providing education, other than as a governor or in another voluntary capacity.

Who will be present at the appeal hearing?

1. The panel members (three people). These are the only people who will be making a decision on your appeal.
2. Yourself (the appellant) and anyone else you may choose to bring with you.
3. A presenting officer from the Council and/or a representative from the school. The LA officer/school representative plays no part in the decision making process and is not present when the appeal panel make their decision.
4. The clerk to the appeal panel. The clerk is independent of the school/academy and the LA. The clerk will be present when the decision is made (to take notes), but plays no part in the decision making process.

Attending the appeal hearing

You are strongly advised to come to the appeal hearing as this is your opportunity to put your case to the panel. If you cannot attend, your appeal will be considered on the basis of whatever written information you have provided.

We recognise that some parents may find attending an appeal hearing a daunting experience. There are set procedures which must be followed but the proceedings will be as friendly and informal as possible. Everyone there will try to help you be at ease.

What will happen on the day?

After introductions by the chair of the panel, the proceedings at the appeal hearing will follow the order set out below:

1. The case for the LA/school/academy, put forward by a presenting officer from the Council or a representative from the school or academy. This will explain why your child has not been given a place at your preferred school and the prejudice that will be presented to the school if it were to offer more than the school planned for.
2. You (or your representative) and the panel can then ask questions
3. You (or your representative) will be asked to put your case. You should explain your reasons for wanting your child to attend the school. The appeal hearing is confidential and you should include all information that is relevant to your case. You will not be able to add anything after the hearing.
4. The LA/school/academy representative and the panel may then ask questions
5. Summing up by the LA/school/academy representative.
6. Summing up by you or your representative. This is the opportunity to highlight the main reasons for your appeal or to add anything you may have forgotten.

After your appeal, you and the LA/school/academy representative will be asked to leave. The panel will then make their decision in private. The clerk will remain to note their decision.

The panel's decision

The appeal panel will consider all the information that you and the LA representative have presented to the hearing. They will usually make their decision as to whether to allow or refuse your appeal on the same day as the hearing, or, if there is more than one appeal for the same school, on the day of the last hearing. The clerk will normally write to you to inform you of the panel's decision within five school days of the appeal hearing.

How does the panel make their decision?

1. Appeals for children aged 5 to 7 entering infant classes

These will be for children entering into the Reception Year, Year 1 or Year 2.

The law requires that infant classes of 5,6 and 7 year olds may not normally contain more than 30 pupils with a single teacher. As such, there are only three grounds on which appeals in this category can be upheld.

- If the panel finds that the admission of additional children would not breach the infant class size limit.
- The panel finds that the admission arrangements for the school did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied. *Here, the panel must be satisfied not only did the arrangements not comply with admissions law or were not correctly and impartially applied but also the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied.*
- The panel decides that the decision to refuse admission was not one which a reasonable admission authority would make in the circumstances of the case. *Please note that the law defines 'unreasonable' very narrowly in these cases and it means a decision which was "perverse in the light of the admission arrangements", i.e. it was "beyond the range of responses open to a reasonable decision maker" or a decision which is "so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind could have arrived at it.". The panel must use the legal definition of 'unreasonable', and not their own personal definitions.*

If the panel decides that the answer to any of the above categories is yes, then your appeal may be allowed. Otherwise your appeal will be refused. Please note that the panel may also take into account the practical consequences for the school and the children in relevant infant classes if any or all the appeals were to be successful.

If the panel finds that the admission of additional children would not breach the infant class size limit then the panel will go on to consider the appeal as described in Stage 2 of Appeals for all other children as described on page 10.

2. Appeals for all other children

There is a two stage process for deciding these appeals.

Stage 1 – factual stage

The panel must consider if the school's published admission arrangements comply with the mandatory requirements of the School Admissions Code and Schools Standards and Framework Act 1998 and were applied correctly in your case or if the admission of an extra child would 'prejudice' the provision of education at the school.

If the panel decides that the admission arrangements were applied incorrectly and that your child would have been offered a place had they been applied they will uphold your appeal. Similarly, if the panel decides that the admission of an extra child would not prejudice the provision of education at the school they will uphold your appeal. Otherwise the panel will go to stage 2.

Stage 2 – the balancing stage

The Panel will consider your reasons for wanting your child to attend the school. They will decide whether your reasons for appealing for a place at your preferred school outweigh the school's or LA's reasons for refusing you a place.

3. Multiple appeals

Multiple appeals are when a number of appeals have been received for the same school and it is decided to organise a grouped stage 1 hearing. This would normally only apply to secondary school appeals.

When multiple appeals are grouped, the presenting officer's case (stage 1) is usually heard in the presence of all the appellants at the beginning of the hearing (or sometimes at the start of each day when a hearing runs over a number of days). Your case is then heard in private without the presence of other appellants. If this approach is used it may mean that you will need to attend the venue on two separate occasions.

The clerk will notify you in advance if a grouped hearing will take place and inform you of the date and time of the stage 1 hearing and your individual hearing.

As with the individual appeal approach, the panel will make their decision in private after all the hearings have taken place.

Further Guidance

This booklet is intended as a simple guide for parents who find themselves involved in the appeals process. If you have questions or queries which are not covered in this guide, you can contact the School Admissions Team:

- Kensington & Chelsea: **020 7745 6432** or school.admissions@rbkc.gov.uk
- Westminster: **020 7745 6433** or schooladmissions@westminster.gov.uk
- Hammersmith & Fulham: **020 7745 6434** or school.admissions@lbhf.gov.uk

Further Advice

For further independent advice, you may also find the following organisation helpful:

Child Law Advice Service

Advice line: 0300 330 5485

Website: <http://childlawadvice.org.uk/school-admissions/>

School Admissions Appeal Code

Issued by the Department for Education (DfE), this Code contains more detailed guidance on the appeals process and explains the legal basis of admission appeals. A copy of the Code can be downloaded free of charge from the DfE website at:

<https://www.gov.uk/government/publications/school-admissions-appeals-code>

School Admissions Code

Issued by the Department for Education (DfE), the Code contains more detailed guidance on the school admissions generally and explains the legal basis of admissions process. A copy of the Code can be downloaded free of charge from the DfE website at:

<https://www.gov.uk/government/publications/school-admissions-code--2>

Complaints

If you think that the procedures for your appeal have not been followed correctly, for maintained schools, (community schools, voluntary aided/controlled schools and foundation schools), you can contact:

The Local Government Ombudsman (LGO)

PO Box 4771, Coventry, CV4 0EH

Advice line: 0300 061 0614

Email: advice@lgo.org.uk

Website: www.lgo.org.uk

Please note that the LGO are unable to overturn an appeal decision. If they find that an appeal was not processed correctly they can ask for the appeal to be heard again.

For academies and free schools, if you think that the procedures for your appeal have not been followed correctly you can complain to the Education Funding Agency who investigates complaints on behalf of the Secretary of State.

Education Funding Agency

Admission Appeal Complaints, Academies Central Unit, Education Funding Agency, Earlsdon Park, Butts Road, Coventry, CV1 3BH

Email: academyquestions@efa.education.gov.uk