Admissions Appeals

Entry September 2019

SCHOOL ADMISSION APPEALS GUIDANCE

AND APPLICATION FORM

**Admission Appeals – a brief guide for parents / carers**

## Things to consider before completing your appeal form

Please complete and return an appeal form to the School Admissions Team. You must state the ‘grounds’ on which your appeal is based. This means on your appeal form you should tick the relevant box and state your reasons why you feel the decision that was made to refuse entry was not correct. You should also state any other grounds that you wish the independent appeal panel to take into consideration.

You should consider when preparing your appeal whether to include copies of any supporting documentation. These are some examples of documentation that might support or corroborate statements in your appeal:

* Letters or statements from doctors, other health professionals or social workers stating why your child must attend this particular school. Professional evidence should be provided by an individual who is suitably qualified to give a professional opinion on the medical or social circumstances
* In circumstances where a change of address is relevant to your appeal, evidence confirming your change of address.

All supporting documentation must be provided at least seven days before the appeal.  If you submit additional information during the appeal, the presenting officer may seek an adjournment from the independent appeal panel.  In certain circumstances this might require the hearing to be re-scheduled for a later date.

### Grounds for appeal

In appeals you should consider either whether you have grounds to:

* Substantiate that the Admissions Authority’s admission arrangements do not comply with the mandatory requirements of the Schools Admissions Code (December 2014) and part three of the School Standards and Frameworks Act 1998; or that these arrangements have not been correctly and impartially applied, and had they been your child would have been admitted to your preferred school, or
* That you can demonstrate that the prejudice (disadvantage) that your child will experience as a consequence of not being admitted to your preferred school exceeds the prejudice to the provision of efficient education or the efficient use of resources that would result were your child to be admitted to your preferred school.

**Appeals Panels**

Appeals panels have either three or five members. There are strict rules on who may and may not be a member of an admission appeals panel to make sure that the panel is independent and impartial. A clerk to the panel also attends the hearing. The clerk is an officer of the council who is there to see that the appeal is heard properly and to provide legal advice to the panel. An administrator also attends to take notes.

**Appeals Hearings**

As the appeal process is a legal process, appeal hearings are structured hearings. However, appeal panels do try to keep appeal hearings as informal as they possibly can within the legal framework in which they have to operate. Appeal hearings are held, so far as possible, fairly local to your home town or area. First, the representative from the School’s Governing Body will explain why it was not possible to meet your request for a place at your preferred school. You can ask questions if you wish. The panel will also ask questions. You will then have an opportunity to present your case and answer any questions about it from the panel and the school’s representative. No other parents will be present when you present your own case. You do not have to attend although many parents choose to do so. The panel will allow you to be accompanied by a friend or to be represented although government advice is that legal representation should not normally be necessary and that children should not generally be allowed to attend appeal hearings. Whilst appeals can be considered on the basis of your written information alone, the presence of a parent or representative at a hearing will enable the panel to obtain more information about a child’s circumstances than is contained in written information alone. Such information, which a parent may not have considered to be relevant when he or she filled in the appeal application form or submitted documents in support of the appeal, could have a bearing on the outcome of the appeal. If you are unable to attend the appeal then it is important that you send in as much information as possible about your reasons for wanting a place at the school concerned.

**Powers of Appeals Panels**

Panels can uphold all appeals and instruct the School’s Governing Body to allocate a place for your child at your preferred school. They can uphold some of the appeals and reject others and they can also reject all the appeals.

Once all the appeals have been heard panels must first decide whether further admissions to the preferred school ‘would prejudice efficient education or the efficient use of resources’. Prejudice cannot normally be proved until the year group your child would enter is full. This means that the year group has not only reached its admission limit but cannot accept any more pupils in that year group without prejudicing the provision of efficient education at the school or the efficient use of resources. The school will provide a statement giving their reasons why they consider that to accept further pupils would cause prejudice to the school.

If the panel believes that the school can admit all the pupils whose parents have appealed without causing prejudice your appeal will automatically be upheld. The panel may decide that places can be allocated to some of the appellants before the point is reached when further admissions will cause prejudice. The panel will decide how many more places can be offered. Any such places will be allocated by the panel according to factors in the individual case.

If the school’s case that further admissions will cause prejudice is accepted by the panel (either as presented or after some further places have been allocated) the panel will then proceed to the second stage.

This requires panel members to balance your own arguments in support of your child’s admission against the extent of prejudice to efficient education and the efficient use of resources which it considers would be caused by the admission of further pupils. If the panel believes that your child’s circumstances outweigh the extent of the prejudice to the school your appeal will be upheld, otherwise your appeal will be declined.

**Appeals Process**

* You should return your completed form, together with any documentation to the School Admissions Team using the contact details provided.
* The School Admissions Team will acknowledge receipt of your appeal form and will send this and any documentation to Democratic Services who will make the necessary arrangements for the appeal. *Notification of the date, time and venue for the hearing will be sent to you by Democratic Services ten school days before the hearing.*
* A copy of your documentation will also be provided to the school’s presenting officer who will prepare a written response to your appeal.
* Your appeal form and all your additional documents, together with the response from the school, will be sent to you by Democratic Services no later than seven school days before the hearing.  The independent appeal panel will also be sent the same information.
* Following the hearing, the outcome of your appeal will be sent to you by Democratic Services within five school days. Decisions of appeals panels are final and binding on the school.

**Timescales**

Appeals for Secondary Transfer into year seven are held between May to July each year. Appeals for reception received by the closing date are heard within 40 school days. Other appeals are normally heard within 30 school days (excluding school holidays) from the date the completed appeal form is received.

**Some further information about appeals**

Repeat appeals will not be considered within the same school year unless your own, or the school’s, circumstances have changed significantly and materially since your first appeal (for example, change of address).

Appeals for more than one school will be considered at separate hearings. You may appeal for each school at which a place has been refused.

Further steps: if your appeal is not upheld and you consider there has been ‘maladministration’ in the way your appeal was handled you may complain to the local government ombudsman.

More information – A full guide to the appeal process can be obtained on the website: [*www.cheshirewestandchester.gov.uk*](http://www.cheshirewestandchester.gov.uk). Other sources of information can be obtained from:

Cheshire West and Chester Council Telephone: 0300 123 7039. Parents can also seek advice from the Advisory Centre for Education in London which is a voluntary body providing a helpline advice service to parents on education matters. The telephone helpline number is 0300 011 5142.

*If you decide to appeal you are strongly advised also to seek a place at an alternative school in case your appeal is unsuccessful. Securing a place at an alternative school will not prejudice your right of appeal for any other school*.