

# JCoSS ADMISSIONS APPEALS 2016/2017

APPEALS ARE MADE DIRECTLY TO THE SCHOOL.

THIS BOOKLET EXPLAINS HOW YOU CAN MAKE AN APPEAL IF  
YOU HAVE NOT BEEN OFFERED A PLACE FOR YOUR CHILD,  
AND HOW THE APPEALS PROCESS WORKS.

### ***How can I make an appeal?***

You should contact the Admissions Officer at the school and ask for an Appeal Form or you may be able to download it from the School website. You should then complete and return this form by the date given to you. The form cannot be completed on line. You will be given at least 20 school days from the date you were advised your application was not successful to submit your appeal.

**The appeal form will be an important part of your case and you need to submit the grounds of your appeal by the deadline date advised to you**, attaching any supporting information to it. The appeal panel and the presenting officer will be sent a copy of it before the hearing.

### ***What evidence might the Panel need?***

If your case is based on social or medical grounds you should provide written evidence from a doctor or other appropriate medical practitioner or professional to support this.

If your case is based on a house move you should provide written evidence such as an exchange contract or tenancy agreement.

If you are appealing for a new school because of your dissatisfaction with the current school, such as you believe your child is being bullied you are advised to provide evidence. **Please note that a member of the school may check with the school concerned so action can be followed up if necessary. The admission authority may also submit written evidence from your child's current school as part of its case.**

You can submit further evidence not sent with the original appeal up to the deadline date given in the written confirmation letter. Any information or evidence not submitted by the deadline may not be considered at the appeal or may lead to an adjournment of the hearing to allow the admission authority time to consider it and for the panel to give it proper consideration.

NB: You cannot submit any evidence after your appeal hearing takes place

The school must supply all information reasonably asked for by you so you are in a position to question their case.

**You must supply 6 copies of your appeal and any accompanying documents**

## *SECONDARY TRANSFER APPEALS*

These are for children who were not offered a place for Year 7 in September. These appeal hearings take place during the summer term before admission to the school in September. A timetable for secondary transfer appeals is available on the school website.

***You cannot appeal for a place at this school if it was not named on your original Common Application Form***

## *IN-YEAR ADMISSION APPEALS*

These appeals are for parents who want their child to be offered a place in the current Years 7 – 11 and cannot be offered a place as the year group is full. These appeals usually take place at least once per term. You will be given at least 20 school days to lodge your appeal and the appeal will be held within 30 school days of being lodged.

Parents also have a right of appeal if a child is refused entry to the Sixth Form.

### ***Who can come to my appeal?***

You will be invited to the hearing to present your case in person. Most parents do take up this opportunity. If you do not wish to attend the appeal please let us know and the appeal will be considered based on the written evidence you have supplied. This also applies if you do not arrive for your hearing, having previously indicated you will attend.

***Please advise us if you decide not to proceed with the appeal or if you change your mind about attending.***

Your appeal will be heard in two parts. For the first part the presenting officer will explain, usually to a group of parents why places could not be offered.

You will then have the opportunity to present your case in private. This will involve a period of waiting between the two sessions.

You will be given a date and the timings for your appeal at least 10 days in advance of the appeal.

### ***Can I bring anyone with me to help me present my case?***

You may bring a friend or someone who may speak on your behalf and therefore represent you. Bearing in mind the importance of maintaining a

reasonably informal atmosphere it should not normally be necessary to bring a solicitor or lawyer. If you do wish to bring a legal representative or a friend or adviser to present your case you **must** tell us when you return your form. You also have the right to nominate someone to attend the appeal in your place.

Please note that your friend or adviser can be a Choice Adviser, a locally elected politician or an employee of the local authority, such as an educational social worker, SEN adviser or learning mentor, providing it will not lead to a conflict of interest.

It is not possible for an employee or governor of the school for which you are appealing to accompany you or provide letters of support. This is to prevent any conflict of interest or unfairness to other appellants.

***What if I have a special need or disability?***

Do please let us know on the appeal form if you have any special requirement and need assistance. We will try to meet your needs wherever possible.

***What if English is not my first language?***

If English is not your first language and you do not feel confident conducting the appeal without the assistance of an interpreter please tell us on the appeal form and let us know which language you speak. Where possible we would ask you to arrange your own interpreter if you are unable to do this we can arrange it on your behalf but you must give us notice if you require us to provide an interpreter.

It is not appropriate for your child for whom you are appealing to interpret for you.

***Can I bring my child?***

It is for you to decide if you wish your child for whom you are appealing to attend the appeal hearing as a witness. However, it is for the Panel to decide whether it is appropriate for a witness to remain after giving evidence. Therefore if your child does attend it is your responsibility to arrange for an appropriate adult to escort them if the Panel asks them to leave.

**Please do not bring other children with you as there are no child care facilities available and it is not suitable for children to be cared for in the room where the hearing takes place. Please therefore make alternative arrangements for babies and children to be looked after.**

### ***Who will be at your Appeal?***

#### ***PANEL MEMBERS***

The Appeal Panel consists of three people.

- At least one member must have experience in education, and be acquainted with knowledge of education conditions or be a parent of a registered pupil at a school.
- At least one member must be a lay person, that is, someone without personal experience in the management of a school or the provision of education in a school (other than experience gained in a voluntary capacity or as a school governor).

#### ***THE CLERK TO THE APPEAL PANEL***

The Clerk to the Appeal Panel does not have any say at all in the panel's decision but is there to ensure the appeal is conducted correctly:

- Explain the basic procedure and deal with any questions you may have.
- Make sure each party is heard in turn.
- Be an independent source of advice on procedures.
- Record the proceedings, decision and reasons.
- Notify all concerned of the panel's decision.

#### ***THE PRESENTING OFFICER FOR THE SCHOOL***

The Presenting Officer will explain why your child was not offered a place at the School

## *THE ORDER OF THE APPEAL HEARING*

- Introductions
- The case for the admission authority (possibly a group session)

***The admission policy and a statement from the Admission Authority will be posted to you at before the appeal.***

***The statement will summarise why it has not been possible to offer a place.***

- Questioning by the appellants and panel
- The case for the appellants (in private)
- Questioning by the admission authority and panel
- Summing up by the admission authority
- Summing up by the appellants

The Appeal Panel members may ask questions at any time if they require clarification of what is being said or if they need information in order to reach a decision.

The parents and the presenting officer will then be asked to leave. The Panel will consider its decisions when all the appeals have been heard.

The Panel will inform the Clerk who will write to parents advising them of the decision, normally within five working days after the last appeal has been heard.

Where a large number of appeals is being held the case for the admissions authority will be heard with groups of parents in attendance. Thereafter each family will be invited to present its own case to the panel in private.

### ***How long is the Appeal Hearing?***

If it is a grouped hearing (usually at secondary transfer) the School Case can take up to an hour.

Individual hearings are then scheduled between 20 and 30 minutes

If it is a single appeal the appeals are scheduled for approx 40 to 45 minutes.

It would therefore be helpful for you to prepare any questions for the admission authority and the key points of your case in advance of the hearing.

**The Appeal Panel will have already read the written information submitted by you and the Admission Authority.**

### *THE PANEL DECISION*

#### ***How will the Panel reach its decision?***

All appeals must follow a two stage process.

**The first stage** is about examining the decision to refuse your child a place where the Panel considers:

- whether the school's published admission arrangements complied with the mandatory requirements of the Schools Admissions Code and Part 3 of the Schools Standard Framework Act 1998 and were correctly applied in your case (i.e. has a mistake has been made which has wrongly denied your child a place at the school), and
- whether or not there would be 'prejudice' caused to the school by the admission of additional children.

If the panel is satisfied on the above two points it must move onto the second stage.

**The second stage** is where the panel is required to balance the arguments.

The Panel must consider whether your grounds for your child to be admitted to the school outweigh any prejudice that would be caused to the school by the admission of another child. The panel will take into account your reasons for expressing a preference for the school. It will also consider the consequences for the school and the other children by complying with your wishes before making a decision.

**The decision of the appeal panel is final.**

The Appeal Panel cannot:

- enter into any debate with either party on issues raised
- attach any conditions if it allows your appeal
- hear complaints or objections on wider aspects of local admission policies and practice
- reassess the capacity of the school
- order the Admission Authority to alter your position on the CI List for the school

- substitute its decision on the evidence for that of the Admission Authority, if it is within the range of reasonable responses

### ***Re-appeal***

It is not normally possible to re-appeal for the same academic year unless there are significant and material changes in the circumstances of the parent, child or school.

### ***Complaints about Appeal Hearings***

The Secretary of State is responsible for complaints about appeals for Academies and has appointed the Education Funding Agency to investigate these complaints on his behalf. The Local Government Ombudsman investigates complaints for all other schools. If you feel that your appeal hearing was not properly or fairly conducted you can make a complaint to one of the above. However, he will only investigate your complaint if he feels there may have been maladministration.

### **This is not a further opportunity to have your appeal reconsidered.**

If the Ombudsman/Secretary of State finds there has been maladministration that might have caused injustice, one of the remedies sometimes suggested is a fresh appeal with different panel members. The original appeal result will not be overturned.

### ***Judicial Review***

Parents can apply to the Courts for a Judicial Review of the appeal hearing if you feel that the decision was flawed or that a mistake had been made either in the admission or appeal process.

If this is the case you should consult a solicitor, Law Centre or other source of advice.

**This booklet is intended as a brief outline guide only.**

### ***Useful addresses:***

*Family Lives*

*Website: [www.familylives.org.uk](http://www.familylives.org.uk)*

*Coram Children's Legal Centre:*

*Website [www.coram.org.uk](http://www.coram.org.uk)*