

BRINE LEAS SCHOOL

School Admission Appeals - A Guide for Parents

1. Introduction

The choice of school for your child is obviously very important to you. Although there has never been a 'free choice' of school, you do have a legal right to express a preference and to give your reasons why you want your child to attend a particular school. In some cases, the preferred schools are full and extra pupils in a particular class would affect the overall quality of education received by all pupils at the school.

Under the School Standards and Framework Act 1998 (as amended by subsequent legislation) you have the right to appeal to an Independent Appeals Panel if you are not offered a place at your preferred school. The appeal procedure is governed by the School Admission Appeals Code.

The purpose of this leaflet is to explain the School Admission Appeal System. Please do not be put off from making an Appeal because of doubts about your ability to present your case. The Panel will be interested in the reasons for your choice of school, not your skill as an advocate.

If you decide to appeal, please read this guidance carefully. The appeals are organised by the Governing Body at Brine Leas School and, if you need any more information, you should contact any of the following people:

Mrs Ridgway – Admissions Officer – 01270 625663 admissions@brineleas.co.uk

Mrs Sanchez – Clerk to the Governors – 01270 625663 clerktogovernors@brineleas.co.uk

2. How do I make an appeal?

- 2.1 If the Admissions Authority for the school does not offer your child a place at your preferred school you can appeal against the decision.
- 2.2 Parents can ask for a child to be admitted to a school in any school term. Most appeals, however, concern the transfer of pupils from Primary to Secondary Schools, or the choice for entry to Secondary School when moving into a new area.
- 2.3 Your allocation or refusal letter from the Admission Authority will explain the reasons why your child has not been offered a place at your preferred school. If you wish to appeal you should complete an 'Appeal Form'. If you require advice about the form, please contact the Admissions Officer.
- 2.4 It is important that you include on the form every detail which you believe to be relevant to your appeal. The form will be available to the Appeal Panel before the hearing and it is important that it is completed carefully.
- 2.5 The form should be returned to the Admissions Officer, preferably by email admissions@brineleas.co.uk or by post:

Admissions Officer
Brine Leas School
Audlem Road
Nantwich
Cheshire
CW5 7DY

3. What evidence do I need to provide?

- 3.1 The appeal form is your opportunity to write down any reasons for your preference of school that you want the Panel to consider. You need not limit the reasons to those already given to the Admission Authority. If you do not agree with any reasons given for refusing a place, then you should add a statement to that effect.

- 3.2 It is important to note that, when considering a request for admissions, the only address that will be considered, is the permanent address where the child lives. The Local Authority defines the home address of a child as the address of the parent(s) or legal guardian(s). Your address plays an important part in the appeal. You are strongly advised to provide evidence of your current address. The current place of residence is used for the purposes of the appeal. Only families returning to the country or area who have been in military service will be able to use a future address for consideration at the appeal.
- 3.3 Any documents provided after the deadline date will only be considered if the Panel agrees. The Panel will have to take into account the significance of the material and the implications if the hearing has to be adjourned to allow time for everyone to consider the additional paperwork.

4. What happens next?

- 4.1 Once your appeal form has been received, the Admission Authority will work to allocate your hearing to the earliest, most appropriate Appeal Panel. You will then receive an appointment letter which will inform you of the date, time and place of the appeal hearing. You will receive at least 10 school days' written notice of this to allow you time to prepare your case.
- 4.2 At least a week before your hearing date, you will receive a statement from the Admission Authority which will give you the reasons why your child was not allocated a place in the school. The statement may make reference to the reasons given by you for your appeal and your original explanation of the reasons for your preference where those are not the same.
- 4.3 The Appeal Panel will hear each case individually and you are strongly encouraged to attend the hearing in person. This will enable you to give a detailed explanation of your case and give members of the Appeal Panel the opportunity to ask you questions.
- 4.4 If you do not wish to attend, the Appeal Panel will make a decision based on the written evidence you have provided and a written and/or verbal statement given by the Admission Authority about the reasons why your child was not given a place at the school of your preference.
- 4.5 If you do not indicate whether you will be attending the hearing, the Appeal Panel will decide to hear your appeal in your absence. If you cannot attend the hearing, you may ask for the hearing to be heard at a later date, although this cannot be guaranteed.

5. Who attends the Appeal Panel?

- 5.1 The Appeal Panel will usually be comprised of three people and is completely independent from the Admission Authority.
- 5.2 Appeal Panels include:
- Lay members (people without personal experience in the management of any school other than as a Governor, or in a voluntary capacity)
 - People who have experience in education
- 5.3 Advising the Appeal Panel is a clerk who is present to make notes and advise the Panel on matters of Law and procedure. Clerks do not participate in the decision making.
- 5.4 The Admission Authority will normally be represented by School Representative and the Admissions Officer who will enter and leave the room with you.
- 5.5 At the appeal hearing, you can be accompanied by a friend, adviser, interpreter or signer who may speak on your behalf at the hearing.

5.6 On some occasions there may be an observer who is training to be a clerk, Admissions Officer, School Representative or a member of the Panel. They will play no part at all and will simply observe.

6. What happens at the Appeal?

The appeal hearing will follow the procedure set out in the Code of Practice. This may make the appeal hearing appear rather formal; however, every effort is made to put parents at ease and give them every opportunity to present their case. The procedure is based on fairness and will normally be as follows:

Part 1 – attended by all appellants and the admission authority

- Parents and School's Representative called in, Chairperson to introduce everyone and explain procedure and decision process.
- School's Representative to explain the Admission Authority's case.
- Parents to ask questions of School's Representative. □ Panel to ask questions of School's Representative.

Part 2 – individual hearings for each appellant and the admission authority

- Parents to explain reasons for appeal.
- School's Representative to ask questions of parents.
- Panel to ask questions of parents.
- Parents to sum up.
- Parents and School's Representative to leave.
- Panel to discuss the case and come to a decision.

7. When will I be informed of the decision?

7.1 If there are several appeals for the same school the Appeal Panel will make its decisions at the end of all the appeals timetabled for that particular day(s).

7.2 After the decision has been made the clerk will write to you within 5 working days. You will not be told the decision at the hearing or informed of the decision by telephone.

7.3 The Appeal Panel will make its decision based on the information supplied by you and the Admission Authority. The members of the Panel will have some background knowledge of the school allocation system, but they will not have had a briefing about your case. They will not be given confidential information about your case that is not available to you. Confidential information about other children or their families will not, of course, be made available to you.

8. How does the Appeal Panel reach a decision?

8.1 Efficient use of resources

Where you have been refused a place on the basis that admitting your child would cause a 'prejudice to the provision of efficient education or efficient use of resources' the Appeal Panel has to make a decision on different set of criteria.

- Firstly, the Panel must decide whether the Admission Authority has made a case that no more children can be admitted to school without this prejudice occurring. If the Panel decide that the Admission Authority has not made the case for a single appeal, then the Panel would uphold the appeal and agree that the child should have a place at the school.
- If the Panel decide that the Admission Authority has made out its case and prejudice would occur, then the decision-making process continues.

- The Panel now reach the 'balancing stage' where they examine the individual cases of each appellant to decide if the reasons put forward are sufficient to outweigh the degree of prejudice caused to the school.
- If the Appeal Panel agrees that your case is sufficiently strong and outweighs the Admission Authority's case, then they will uphold the appeal and agree that the child should have a place at the school.
- If the Appeal Panel believes that the case put forward by the Admission Authority is stronger, then they will find in favour of the school.

9. Is the Appeal decision final?

9.1 The decision of the Appeal Panel is final and binding upon the Admission Authority, the school and you.

9.2 There is no further right of appeal against the Appeal Panel's decision. However, if you consider that there has been maladministration in the way the decision has been reached, then you may complain to the Education Funding Agency.

9.3 It is also possible for an application for judicial review to be made, but you would be advised to seek legal advice if you consider this course of action. The Secretary of State cannot review decisions of individual Appeal Panels but can consider whether the Appeal Panel was correctly constituted or whether the Local Authority has acted reasonably in exercising its functions in respect of the Appeal Process.

9.4 A second appeal will not be considered in the same academic year for the same school unless there has been a significant change in your circumstances, for example a change of address or the subsequent admission of a brother or sister to the school in question.

9.5 You will not be granted a second appeal because you forgot to present relevant evidence or because you wanted to stress different parts of your case, or because you feel the Appeal Panel did not understand your case.

9.6 You may, however, submit an appeal for more than one school during the academic year.