

Guide to the School Admission Appeals Procedure

Notice of Appeal under section 94(1) of the School Standards and Framework Act 1998 against the Local Authority's admission decisions not to offer a school place at a Community or Voluntary Controlled School maintained by North East Lincolnshire Council; or the Local Authority's decision on behalf of the Governing Body of an Academy not to offer a place at that school.

Parents/carers are advised to read this guide carefully before completing the Notice of Appeal Form. This guide, in conjunction with the notice of appeals form, is to enable parent/carer(s) to appeal against the admission authority's (AA) decision to refuse their child's admission to the school of their preference.

If you are appealing an admission decision for Cleethorpes Academy, Healing Primary School, Healing School – A Science Academy, Oasis Academy Immingham, Reynolds Primary Academy, St Joseph's Catholic Primary Voluntary Academy, St Mary's Catholic Primary Voluntary Academy, Tollbar Academy or any school in Lincolnshire County Council or North Lincolnshire Council; you should read the document "How do I appeal?" issued with your letter for further information. Do Not complete the form attached to this document as it will not be accepted by these organisations.

Introduction - Parents/Carers have been given the opportunity to express a preference as to the school they wish their child to attend. It is the policy of North East Lincolnshire Local Authority and of the governing bodies of academies, to meet these preferences where this is possible within the annual published admission number (PAN) set for each school in North East Lincolnshire. Where applications for a school exceed this PAN, then a number of factors are taken into account in deciding which children are offered places. These factors are set out in general terms in the local authority's publication "Your New School - A Guide for Parents" available on the North East Lincolnshire website www.nelincs.gov.uk or by contacting the School Admissions Team on (01472) 326291 (Option 4).

I have been refused a place at my preferred school. What should I do now? You will have been sent a letter from the admission authority which will explain why you have been refused admission to the preferred school. The letter will explain that you have the right to appeal to an independent appeals panel. The letter will have an attachment informing you who to contact for a form if you would like to appeal against the admission decision. You should include **ALL** the reasons why you wish your child(ren) to attend your preferred school.

There are many reasons under which you may wish to appeal. If you are appealing under the following criteria for admission, you will need to bear the following in mind:-

- Change of Address - If you are basing your appeal on the fact that you will be moving into the catchment area of the school of your preference, then you will need to provide documentary evidence (e.g. exchange of contracts or rental agreement) that your change of address is permanent. Note: The admissions authority will wait for formal evidence of the change of address before arranging an appeal hearing.
- A Sibling Connection - Included in this factor are brothers or sisters, half brothers or sisters, adopted brothers or sisters, stepbrothers or sisters or the child of the parent/carer's partner living at the same address and who will be attending the school at the expected time of admission.
- Medical Reasons - You will need to provide a letter from your family doctor, health visitor or hospital to support your case. If you would like the appeals panel to consider your case on medical grounds, they will need to know how the medical condition will affect your child while at school, and why there is a medical need to attend your preferred school.
- Denominational Reasons - If you are basing your appeal on denominational ground you will need to provide evidence that the child and you are members of, and regularly go to a Church of England or other Christian church recognised by the British Council of Churches. The panel will need to see a letter confirming this from your parish vicar, priest or other minister.

Timetable - Parents/Carer(s) will be informed in writing of the date, time and place of the appeal hearing. You will be informed of this information at least 10 school days before the date of your hearing. Not less than 3 school days before the hearing, parents /carers will receive a written statement from the local authority explaining the application of the admissions policy to the child's case, commenting on the parents' / carers' grounds of appeal and the reasons why it was not possible for the child to be admitted to the school of the parents' / carers' preference.

All appeals will be heard within 40 school days of the published deadline. However pupils transferring from Primary to Secondary schools whose appeals (arranged by the Local Authority) are submitted by the published deadline of 27 March 2014, will be heard first followed by subsequently submitted forms. (Appeal deadlines for other admission authority's may differ).

Who would be on an Independent Appeals Panel? The appeals panel will consist of no more than three members, at least one of which must be a person without personal experience in the management of any school or the provision of education in any school. The remaining members will be drawn from a list of ex-teachers, parents / carers of registered pupils at a school or general members of the public. No member will have any direct connection with the school, appellant or the admissions authority

Do I need to attend the appeal hearing? It is in your best interest to attend the appeal hearing. The panel will be able to check any details that are not clear on your written statement. If you decide not to attend, the panel will make their decision on the information available to them from information submitted on the enclosed Notice of Appeal form. If you decide not to attend the hearing you can provide a written statement. Note: If you are unable to attend the date of your hearing but would like to attend the hearing, the Local Authority will endeavour to offer a further hearing though this is not a guarantee and it could be up to a further 30 school days after your initial date.

Can I bring anyone with me to the appeal hearing ? You can be accompanied by a relative or friend. It is not necessary to bring your child(ren) with you. Although it is not necessary for you to be represented by a solicitor, you can be if you wish. If your child has an SEN status other than a statement of special educational needs / Educational, Health and Care Plan (EHCP), a representative of the Parent Partnership service can attend and assist with your appeal. **They** can be contacted on (01472) 325610.

What is different about an Infant Class Size Appeal? An appeal is an "Infant Class Size Appeal" where a child's date of birth is on or after the 1st September 2007 (from September 2014) and where their admission to a school would cause the number of pupils in their year group to exceed the published admission number and would also cause the number in their (infant) class to exceed 30. The Appeals Panel can only uphold the parent/carers appeal if they are satisfied that one of the following conditions applies:-

- that the decision was not one which a reasonable Admission Authority would make in the circumstances of the case or
- the relevant oversubscription criteria for the school and coordinated admission arrangements were not correctly and impartially applied to the child concerned; and the child would have been offered a place had the arrangements been properly applied or did not contravene mandatory provisions in the School Admissions Code or SSFA 1998.

What will happen at the appeal hearing? You will receive in your paperwork an order of procedure. The hearings are held in private. There will be a clerk to the appeals panel who will take notes and offer legal advice to the panel. When you enter the hearing you will be joined by a presenting officer from the admission authority who will explain to the appeals panel why your child was refused a place at your preferred school. The admission authority's case will be based on a variety of statistical information which will expand on the reasons set out in the admission authority's statement, which will be sent to you in advance of your appeal date. You will have the opportunity to question the presenting officer of the admission authority, as will the panel. If the admission authority's case is accepted then you will be asked to present your case. The panel and/or the presenting officer may then ask you questions for which they need clarification. The panel may adjourn the hearing in circumstances where this seems appropriate. Appeals will normally be held in private, but in appropriate cases the panel may arrange to hear more than one appeal in relation to one school at the same time. In this case the authority may present its general case and (unless any appellant objects in relation to his/her own appeal) the appeals may be heard in the presence of the other appellants. In the case of a normal admission appeal the panel needs to determine whether, on balance, the case put forward by the parent/carer outweighs the case put forward by the admission authority.

When will I get the decision of the appeal hearing? Decisions will **NOT** be issued on the day of the appeal hearing. You will be asked to contact the local authority by phone on a nominated date. You will be issued with the relevant details prior to your appeal hearing. The clerk to the appeal panel will then write to you as soon as possible (usually within seven days of the hearing) to inform you of the result of your appeal. If you are unsuccessful at appeal, the letter will also state the reasons why you were unsuccessful. Please note where there are hearings for the same school the decisions will not be issued until all the appeals have been heard. The decision of the appeal panel is binding on the appellant and the admissions authority.

Can I appeal again if I am unhappy with the decision of the appeal hearing? The procedure for school admission appeals is aimed at ensuring all parents/carers feel they have had a fair hearing - even when the decision is not in their favour. If your appeal has been unsuccessful, you will not be able to appeal again for your preferred school until the next academic year or unless there is a 'significant and material change' in your circumstances. There is no right of appeal against the decision of the appeals panel. You can write to the Secretary of State, who cannot review decisions of individual appeal panels but can consider (a) whether the admission authority has correctly constituted the appeals panel; and (b) whether the admission authority has acted reasonably in exercising functions in respect of the appeal process.

If you feel there has been maladministration in the way your appeal has been administered, you can ask the Local Government Ombudsmen (LGO) to investigate. If the LGO find there has been maladministration that caused injustice, it is likely that s/he will propose a fresh appeal be heard with a different panel. Any party may also have recourse to Judicial Review. Parents/Carers who would like advice on this should seek their own independent legal advice.