

Admission appeals guide for parents

Dorset County Council



Working together for a strong and successful Dorset



This Guide covers the arrangements for parents wishing to appeal against admission decisions concerned with schools in Dorset.

The appeal arrangements in this Guide are made in accordance with the provisions of the School Standards and Framework Act 1998 and the School Admission Appeals Code which has been issued to offer advice and guidance on appeal procedures and arrangements.

This Guide should be read alongside the Dorset Authority's information booklet "Admission to Dorset Schools: A Parents Guide".

If your child has Special Educational Needs you should contact the Special Education Needs Team within the Children's Services Directorate for appropriate advice and guidance (telephone 01305 224888). The School Admissions Team will not be involved.

Separate appeal arrangements exist under the Education Act 1996 for you to appeal against the special educational needs provision proposed for your child.

Introductory notes

1. The law allows you to appeal to an **Independent** Appeal Panel if you are dissatisfied with an admission decision.

In considering an appeal, an independent Appeal Panel will take account of

- any preference expressed by the appellant, and
- the admission arrangements published by the Authority

However you should note that independent Appeal Panels reach a decision in the light of all available information **and** on the individual merits of each case.

2. All the arrangements for setting up the appeals, including arranging the appeal hearing and contact with parents, are made by the Appeals Team who can be contacted in Democratic Services, Dorset County Council, County Hall, Dorchester, Dorset DT1 1XJ
Telephone: 01305 224188
Email: schoolappeals@dorsetcc.gov.uk

You can contact the Appeals Team for advice about the appeal arrangements including, for example, facilities for disabled people. However they cannot give you advice about how to conduct your appeal.

3. The School Admission Appeals Code, which sets out how appeals should be heard, can be seen at www.education.gov.uk

Contents

1	What is the basis of my appeal?	6
2	How do I appeal?	6
3	What information do I have to provide?	7
4	What will happen when my appeal form is received?	8
5	Where are appeals heard?	9
6	Can I attend the hearing?	9
7	Who else is present at the hearing?	10
8	Who are the Appeal Panel members?	11
9	What happens at the appeal hearing?	12
10	When will I know the decision of the Appeal Panel?	16
11	My appeal was successful - what do I do next?	17
12	What if I am dissatisfied with the decision?	18

1 What is the basis of my appeal?

- You have the right of appeal to an independent Appeal Panel if you are dissatisfied with an admission decision.
- Normally this means that you have applied for a place at a school which is over-subscribed, and

either you have not been offered a place because the available places have been offered to children who, according to the Admission Authority's published criteria, have a higher priority for a place at that school than your child,

or the class/teaching group at the school is full and there are no further spare places available for your child.

2 How do I appeal?

- **The School Admissions Team** of your home Local Authority will inform you of the outcome of your request for a place for your child in your preferred school(s). If the decision is not to offer a place, you will be advised of the reasons and of your right of appeal.
- You will then be given 20 days in which to lodge an appeal: an appeal form can be downloaded from www.dorsetforyou.com or requested from the School Admissions Team.
- If you decide to appeal you should send the completed appeal form to the Appeals Team at the address given in the introductory notes to this Guide.

3 What information do I have to provide?

- It is your appeal and it is for you to make sure that all relevant information is available to the independent Appeal Panel so that members of the Panel can make an informed decision.
- The appeal form enables you to state your reasons for wishing your child to attend your preferred school and the grounds for your appeal.

There may be other documents, e.g. medical, educational or other professional reports and letters, that you wish to submit in support of your appeal. If you are not able to attach them to the appeal form at the time you lodge your appeal, they should be sent to the Appeals Team as soon as possible. All information to be considered as part of your appeal should be lodged no less than 5 school days before the appeal hearing.

If you seek to introduce evidence later, e.g. on the day of the appeal hearing this could lead to the appeal being adjourned and, thus, delay the decision on your appeal. The Appeal Panel retains a discretion to refuse to admit late evidence and adjourn the hearing to allow for this to be considered. The Presenting Officer may also request an adjournment in this instance.

4 What will happen when my appeal is received?

Your appeal will be acknowledged and a copy sent to the person who will represent the Admission Authority at the appeal. In the case of Community and Voluntary Controlled schools, this will be an officer from the Local Authority's School Admissions Team. In the case of Academies, Voluntary Aided and Foundation schools, this will usually be the Headteacher and/or a Governor of the school.

Arrangements will then be made for the appeal to be considered by an Appeal Panel. Where there are a number of appeals for the same school, the Appeal Panel will seek to hear all the appeals together. The arrangements for the appeal hearings are as follows:-

- **admissions and transfers in September**

Appeal hearings are scheduled to take place **between April and the end of July**.

- **admissions at other times of the year**

Appeal hearings will take place as soon as is practicable, within 30 school days of receiving the appeal form.

The timetable for the organisation and hearing of appeals can be viewed at www.dorsetforyou.com

Normally you will be given at least 10 school days notice of the appeal hearing, unless you agree to a shorter period of notice, e.g. when the beginning of the school year is imminent.

In advance of the hearing you will be provided with a written statement prepared by the Admission Authority detailing the reasons why it has not been possible to allow your child to attend your preferred school.

5 Where are the appeals heard?

Arrangements have been made for appeals to be heard in two areas of the County so that venues are more accessible to parents.

Appeal hearings are normally held at:-

Dorchester at County Hall, Colliton Park, Dorchester

Wimborne at Allendale House, Hanham Road, Wimborne

Other venues may be used from time to time, particularly for appeals for admissions and transfers in September.

Arrangements will be made for your appeal to be heard at the venue nearest to where you live.

6 Can I attend the hearing?

Wherever possible, you should attend the hearing - it is very helpful for the members of the Appeal Panel to hear at first hand why you want your child to attend a particular school.

You may be accompanied or represented by a friend, adviser, interpreter or signer who may speak on your behalf at the hearing. This person can be a Choice Adviser, a locally elected politician, or an employee of the local education authority, such as an educational social worker - provided that this will not lead to a conflict of interest. **Where you intend to be represented or accompanied, you should inform the Appeals Team in advance of the hearing so that the Panel is aware of who will be attending the hearing.**

It is for you to decide whether your child should attend the hearing.

If you have any special requirements for the hearing e.g. need a translator (please specify which language), information in large print or another format, a British Sign Language interpreter, hearing loop, you should notify the Appeals Team as soon as possible so that arrangements can be made.

If it is not possible for you to attend, your appeal can be heard in your absence and a decision will be reached on all the written information which is available to the Appeal Panel.

If it is your intention not to attend, please inform the Appeals Team before the date of the appeal hearing.

If you fail to attend your appeal hearing without informing the Appeals Team beforehand that you will not be present or that you wish the hearing to be re-arranged, your appeal will go ahead and be decided on the written information submitted.

7 Who else is present at the hearing?

■ A 'presenting officer' representing the Admission Authority will present the case as to why your child cannot be admitted to your preferred school. In the case of Community and Voluntary Controlled schools, this will be an officer from the School Admissions Team. For Academies, Voluntary Aided and Foundation schools, this will usually be the Headteacher and /or Governor of the school.

■ A Clerk to the Appeal Panel is present throughout the hearing to take notes of the hearing and to provide advice and guidance about the procedure and arrangements.

The Clerk will play no part in reaching a decision on your case but will remain with the Appeal Panel members while they make their decision.

■ On no occasion will either you or the 'presenting officer' be left alone with the members of the Appeal Panel. The exception to this is if you decide not to attend the appeal hearing; the 'presenting officer' still has to attend the hearing to present the Authority's case.

8 Who are the Appeal Panel members?

■ Appeal Panels are independent of the Admission Authority and there will be 3 members who include:-

- at least one person who has no personal experience in the management of any school or the provision of education in any school (otherwise than as a Governor, or in any other voluntary capacity) - defined as a 'lay member'; plus

- at least one person with experience in education who is familiar with educational conditions in Dorset; or is the parent of a registered pupil at a school.

■ A member will not hear your appeal if (s)he knows you directly, is a Governor of your preferred school or has had any previous involvement in your case.

■ Members of the County Council are not eligible to sit as Appeal Panel members.

9 What happens at the appeal hearing?

- The Chairman will welcome you to the hearing and introduce the members of the Appeal Panel and the other persons present. The Chairman will then explain the procedure which will be followed.
- Members of the Appeal Panel will have previously received and studied the information provided about the appeal by both the Admission Authority and you. Members will have these documents with them at the appeal hearing to refer to.
- For appeals other than Infant Class size appeals (for which you should turn to page 14) the Appeal Panel will follow a two-stage process, as follows:-

Stage 1

At this stage it is for the Authority to satisfy the Appeal Panel that the school's published admission arrangements:

- (i) complied with the mandatory requirements of the School Admissions Code and Part 3 of the Schools Standards and Framework Act 1998;
- (ii) were correctly and impartially applied in your case; and
- (iii) that your child's admission to the school would prejudice the provision of efficient education or the efficient use of resources.

The 'presenting officer' will present the Authority's case to the Appeal Panel, yourself and, where applicable, any other parent(s) appealing for a place at the same school.

The members of the Appeal Panel, yourself and any other appellants may question the 'presenting officer' or make representations about the Authority's case.

The 'presenting officer', yourself and any other appellants will be asked to leave the room whilst the members of the Appeal Panel decide whether the Authority has made the case that the published admission arrangements complied with the mandatory requirements, were correctly and impartially applied and that further admissions to the school would prejudice the provision of efficient education or the efficient use of resources.

If the Authority fails to satisfy the Appeal Panel on any these points the Panel will allow your appeal. A place will be allocated for your child at the preferred school.

Stage 2

If the Authority does satisfy the Appeal Panel at Stage 1, the Panel then has to consider the reasons why you wish your child to attend the school, balance these reasons against the Authority's case and decide which should prevail.

You and all the other appellants will be asked to come back individually to put your own case - because there may be personal circumstances which outweigh the fact that the year group is full. Where two or more appeals are being decided at the same time in respect of the same school individual consideration will be given to each appeal. Your own personal appeal will be heard privately without other parents present.

The Panel and the 'presenting officer' may question you on what you have said as to your personal circumstances and the reasons you have given for wishing your child to be admitted.

Both the 'presenting officer' and yourself will be asked to summarise your respective cases and then leave the room after which the Panel make a decision.

At this second stage of the appeal hearing, all parents appealing for the preferred school must have the chance of presenting their case personally and individually before any final decisions on admission are made.

The Appeal Panel will give careful consideration to the reasons you have given and the Authority's published admission arrangements and the way they have been applied. The Panel will consider the consequences for the school and the Authority of complying with your preference and how serious they would be. The Panel must balance these conflicting factors and reach a decision.

As a result of this balancing exercise the Panel may decide that, although a number of parents have presented sound reasons in support of their child's admission, allowing all of the children to enter the school would be prejudicial to the overall provision of efficient education and the efficient use of resources. Accordingly, the process of deciding how many and which appeals to allow may, in some circumstances, involve comparing the circumstances of one family against another.

Infant Class Size Appeals

Under Government legislation infant classes may not contain more than 30 children with a single teacher.

To achieve this, Year R (Reception), Year 1 and Year 2 classes are restricted to a maximum of 30 pupils. The Admission Authority will refuse a place for children in such classes, if admitting them would take a class over the limit of 30 pupils.

The Appeal Panel's powers are limited by this legislation to enable the Admission Authority and schools to manage school admissions to meet the statutory limits on infant class sizes.

An appeal against such a decision can only be allowed if the Appeal Panel finds that:

(i) the admission of additional children would not breach the infant class size limit; or

(ii) the admission arrangements did not comply with admissions law or were not correctly and impartially applied and the child(ren) would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or

(iii) the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case

However in relation to (iii) above, it is important to understand what is meant by the term **reasonable**. An admission authority will be seen to have acted reasonably unless it is considered by the Appeal Panel that the admission authority's decision was not one which a reasonable admission authority would make in the circumstances of the case.

In relation to (ii) above, it is not enough to prove that there was a mistake by the admission authority in implementing the school's admission arrangements. To allow your appeal, the Appeal Panel must also be satisfied that if the arrangements had been carried out properly, your child would have been admitted to the school.

Except in the circumstances listed at * on page 16, the two stage process will not apply to appeals for places in Year R, Year 1 and Year 2 classes.

Instead, the Appeal Panel will simply hear in one stage the Admission Authority's explanation as to why a place has been refused followed by your reasons for saying that the appeal should be allowed on one of the grounds referred to above.

*However, the two stage process will apply to appeals for places in Year R, Year 1 and Year 2 if a place has been refused, not on the grounds that admitting a further child would take a class over the limit of 30 pupils, but instead on the grounds that admitting a further child would be prejudicial to the overall provision of efficient education and the efficient use of resources. **This is likely to be the case for schools with a Published Admission Number of below 30.**

10 When will I know the decision of the panel?

- Normally the Clerk to the Appeal Panel will contact you the same day to let you know the decision. The Clerk will follow this telephone call with a letter confirming the decision within 5 school days of the appeal hearing.

- However, if the appeal hearings for a particular school have taken more than one day, the Clerk will contact you with a decision on the final day of the hearings i.e. when all individual appeals have been heard. Again, a letter confirming the decision will follow within 5 school days.

The School Admissions Team and the school will also be notified of the Appeal Panel's decision.

11 My appeal was successful - what do I do next?

- If you are appealing for your child to attend your preferred school immediately, you should contact the school as soon as possible to make arrangements.
- If you are appealing for your child to attend your preferred school in September, the school will contact you in due course with the information that you require.
- If your child has been offered a place at an alternative school, this will be withdrawn four weeks after the appeal hearing unless you indicate otherwise.

12 What if I am dissatisfied with the decision?

■ If your appeal is refused it is recognised that you may not be happy with the decision. However, the members of the Appeal Panel will have given careful consideration to all the information which has been made available in your case. It is they alone who assess the merits of each appeal and decide whether it should be allowed or refused.

■ In some cases, parents who are convinced that a wrong decision has been made in their case seek a re-hearing of their appeal.

This will not be allowed if it is based on the same facts which have already been considered by an Appeal Panel.

You may only be allowed a further appeal in the same academic year if the Admission Authority has accepted a second application from you because it is satisfied that **since the original hearing** there has become available evidence of a significant and material change in your circumstances or those of your child or your preferred school has still refused admission.

■ If you consider that your circumstances meet these criteria, you should write to the Manager - School Admissions, Children's Services, Dorset County Council, County Hall, Colliton Park, Dorchester DT1 1XJ, giving full details. It is his/her responsibility to decide whether to reach a fresh decision about your case.

If you consider that you have suffered an injustice because of maladministration, a complaint may be made to the Local Government Ombudsman. The Local Government Ombudsman can investigate written complaints about maladministration on the part of a panel hearing appeals for a maintained school. They can be

contacted via the Local Government Ombudsman's Advice Line on 0300 061 0614 or by visiting the website at www.lgo.org.uk, email advice@lgo.org.uk.

The Ombudsman is not able to overturn an appeal panel's decision but he may make recommendations for a suitable remedy if you feel that the Panel was incorrectly constituted or the Admission Authority has acted unreasonably in exercising functions in respect of the appeal process or has failed to discharge any legal or funding agreement duty in relation to that process.

Complaints about maladministration on the part of an appeal panel for an Academy, or that an Academy Trust has failed to comply with the Appeals Code in setting up a panel, are investigated by the agency appointed to investigate complaints about Academies on behalf of the Secretary of State. Appellants considering making a complaint can email the Education Funding Agency (EFA) at academyquestions@efa.education.gov.uk or write to:

Academy Admission Appeal Complaints
Academies Central Unit, Education Funding Agency
8th floor, Earlsdon Park
Butts Road
Coventry
CV1 3BH

You should note that "maladministration" refers to the way in which something has been handled - for example if there has been unjustifiable delay, procedural error, incompetence, neglect or prejudice - and not to the actual merits of the decision taken.

All leaflets can be made available in audio tape, large print and Braille, or alternative languages on request.