



School Admission Appeals

**A guide for parents making an appeal for
admission to Loughton School**

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What is an admission appeal?

If your child is refused a place at your preferred school because it is full, you have the right to appeal against this decision.

The School Standards and Framework Act 1998, as amended by the Education Act 2002 and the School Admissions Code 2012 produced by the Department for Education (DFE) govern all school admission appeals.

Who arranges the admissions appeal hearing?

The Clerk to the Appeal Panel organises the appeal hearing. The detailed arrangements are explained throughout this booklet.

How do I make an appeal?

You will have been sent an appeal form with this booklet. You should complete and return this form within 14 days of the date of issue.

YOUR COMPLETED FORM SHOULD BE RETURNED TO:

Clerk to the Appeals Panel
c/o Loughton School
Bradwell Road
Loughton
Milton Keynes
MK5 8DN

What are the grounds for my appeal?

Please state the grounds for your appeal on the back of the appeal form. You should carefully consider why you want your child to attend Loughton School.

Your reasons might include:

- Family circumstances
- Existing links with the school
- Transport
- How close you live to the school
- How difficult it would be to get to another school
- Medical Reasons
- Different subjects offered by the school
- Your views on education and behaviour
- Religious, ethical or philosophical beliefs
- Other factors to do with the school
- That the admissions policy was not administered properly

Whatever your reasons, wherever possible, you should provide evidence to support your appeal. For example, if your grounds are based on medical reasons copies of letters from your doctor or other medical practitioner should be attached to your form. It is advisable to provide as much evidence as you can.

If one of your grounds for appeal is that you will be moving into the defined area for the school, you will need to send Loughton School confirmation of legal exchange of contracts, or a lease agreement of at least six months on a property in which you and your family will be living.

Residence in the defined area will need to be supported by your Council Tax Bill.

When will my appeal be heard?

With the exception of appeals relating to applications for admission to Loughton School at the start of a new school year in September, all appeals must be heard within 30 school days of submission.

Appeals for admission to Loughton School at the start of a new school year must be heard within 40 school days of the appeal being lodged, or before the end of the summer term, whichever is sooner.

Appeals relating to applications for entry at the start of a new school year which are received after the deadline should, if possible, be included with those being heard for on-time appeals. However, if this is not feasible, appeals for late applications must be heard within 30 school days of the appeal being lodged.

You will receive at least 10 school days' notice of the date and time of your appeal hearing. You should let us know in advance of any dates that are not convenient for you.

Bulk Appeals

The busiest period during the year is between April and June when appeals are considered for entry to infant, junior, primary and secondary schools and academies for the following September. Appeals held during this time are often referred to as 'bulk appeals'. It can take several days for Appeal Panels to hear all the appeals for one school. If your appeal is a bulk appeal it will still be held in private, but to ensure a fair process, the Appeal Panel cannot make their decisions about your case until all the appeals have been heard. This means that it may take a little longer for you to receive the Appeal Panels decision.

My appeal is urgent. What can I do to speed things up?

If, for example, the school term is about to start, it may be possible to arrange an earlier hearing. In this case you must complete the section on the appeal form confirming that you waive your right to 14 days' notice of the appeal hearing date.

Can I appeal for more than one school at the same time?

Yes. You must complete a separate appeal form for each school.

My child has been permanently excluded and has been refused a place at another school. Can I appeal?

If your child has been permanently excluded from one school you can apply for a place at another school. If your son or daughter is not offered a place then you have the right to appeal against that decision. However if your child has been permanently excluded from two or more schools you **cannot** appeal against a decision not to admit your child to another school.

What happens next?

Before the hearing you will receive a full set of papers. All members of the Appeal Panel and the Presenting Officer from the School will be sent copies of these papers at the same time.

The papers will include copies of;

- All correspondence between yourself and the School.
- Your appeal form
- Papers you have supplied to support your grounds for appeal
- A statement from Loughton School.
- An agenda stating what will happen during the hearing.

How do I prepare for my appeal?

You should familiarise yourself with the agenda; this states the order of the proceedings for the hearing.

The statement from Loughton School is very important because it explains why it has not been possible to offer your child a place at your preferred school. **You should read this carefully.** You will have the opportunity to ask the Officer presenting the case for the school, questions about what is written in the statement.

You should also spend some time deciding what you would like to say when the Appeal Panel invites you to explain your reasons for wanting your child to attend Loughton School. Some people find it helps them to write this down beforehand.

You may have additional evidence to support your appeal. This should be sent to us **as soon as possible.** If you present evidence on the day of the appeal it may be necessary for the Panel to adjourn to consider the additional evidence. It is advisable that you provide as much information in support of your appeal as soon as possible. If you present additional documentation on the day of your appeal please provide 5 copies.

Before the appeal hearing

Make sure you have looked at the school statement.
Write down any questions you would like to ask about the statement.
Write down any other questions you may have about your appeal.
Write or type out your case to read out at the hearing.
Collect any extra paperwork to support your appeal.
Invite your partner, friend, supporter or adviser to come with you.

Where do I go for the appeal?

You will be advised of the venue for the appeal.

Who will be there?

You and your partner, friend, supporter and/or an adviser.
Your child, if you wish him/her to attend.
The Appeal Panel (3 members).
The Appeal Panel Clerk.
The Presenting Officer for Loughton School.

The friend/adviser may be a locally elected politician or an employee of the local authority such as a social worker, special education needs adviser, learning mentor, or a choice adviser provided there is not a conflict of interest. The friend/adviser cannot be an employee of the school or of the admission authority.

Sometimes there is an observer. It may be someone who is training to be a Panel Clerk, a Panel Member or a Presenting Officer. You will be asked if you object to an observer being present.

What is an Appeal Panel?

The Appeal Panel has three members. The Panel is entirely independent of the Local Authority and the governing body of Loughton School. No member will have any connection with the schools involved in your appeal.

The Panel comprises of at least one lay member, who has no experience of the provision of education but may be a school governor and one non lay person, for example, a retired teacher.

The Appeal Panel alone is responsible for the decisions reached. This decision is binding on Loughton School.

What is the Appeal Panel Clerk's role?

The Clerk arranges the hearing and provides independent advice to you on the appeals process prior to and during the hearing. The Clerk also takes notes at the hearing and is responsible for ensuring that the relevant facts are established and that the appeal hearing is carried out fairly. Within seven days of the hearing the Clerk will write to tell you the Appeal Panel's decision.

The clerk is not part of the Appeal Panel and does not take part in the decision making process although the Clerk will be present when the Appeal Panel makes its decision.

What is the role of the Presenting Officer?

The Presenting Officer is employed by, or contracted to, Loughton School and is responsible for producing the case stating why a place cannot be offered for your child at your preferred school. S/he will present the case on behalf of the school at the hearing and answer any questions raised by you and the Panel members.

The Presenting Officer is not involved with the decision making process in any way.

Should I attend the appeal hearing?

Yes, if at all possible. You know your child best and will be able to provide information to help the Appeal Panel reach a balanced decision. If you cannot attend and another date cannot be arranged, your case will be heard in your absence.

Should I bring anyone with me?

It is advisable to arrange child-care in advance for children younger than school age as far as possible so you are not distracted, for example, by a young toddler.

Legal representation is rarely necessary, as this is not a court of law. If you wish, however, you may bring along a friend or supporter.

Will the hearing be in private?

Yes, your hearing will be conducted in private.

What will happen at the appeal hearing?

If there are a number of appeals for the same school and year, your appeal may be heard as part of a **bulk appeal**. This means that a number of parents will be invited to attend along with the Panel to hear and question the Presenting Officer on whether the provision of efficient education and the efficient use of resources would be prejudiced by admitting any more children to the school (the case for the Academy), **Stage 1** (see section on 'The Appeal Panel's Decision' page 14).

After hearing the case, together with the questions from the Panel and Parents, the Panel will then decide whether there was a good reason for not admitting more children. An example might be where the school had very small classrooms and could not fit additional children in without making a space too cramped for good teaching and learning.

You will then have an individual hearing. This is **Stage 2** of the appeal (see section on 'The Appeal Panel's Decision'). The Panel will hear details of your individual circumstances and why you believe your child should be admitted to the school. You can mention all the reasons why you think that school would be the best for your child and what special factors justify your child being offered a place at the school.

It is most likely that this (Stage 2) will happen even if the Panel does decide there was not a good reason for upholding the case that the school is full. Unless the Panel consider that the school has sufficient places to admit all children submitting an appeal, it will need to decide how many pupils the

school has capacity to take and which pupils, of those appealing, should be admitted, taking account of the admission criteria and the personal circumstances of the children.

In a **single appeal hearing** Stage 1 and Stage 2 will take place during the same session.

Before the hearing you will receive an agenda, stating the order of the proceedings. At least three days before your hearing you will be informed of the names of the clerk and the panel members and in what capacity there are serving, if these have not already been notified at an earlier stage. The names may be subject to change due to unavoidable circumstances. The Clerk will ensure that your appeal is conducted as follows

Stage 1

- Welcome
- Outline of the procedure to be followed
- The case for the School
- Questions

Stage 2

- Introductions
- The case for the parent
- Questions
- Summing up by the Presenting Officer
- Summing up by the parent

The Chair will invite you to ask questions at the appropriate points and give you as much time as you need to put your case to the Panel. At the end of the hearing you will be asked if you want to summarise your case. You may also use this opportunity to add anything you may have forgotten to mention earlier.

Occasionally it may be necessary to adjourn the hearing to allow further information, for example, about the school, to be obtained. If this is the case the Presenting Officer and you will be asked to leave the room until information has been received.

After the hearing

You will be asked to leave the room at the same time as the Presenting Officer. The Appeal Panel will not start to make its decision until all the appeals have been heard for that day or, for bulk appeals, that particular school.

The Appeal Panel's decision

To ensure a fair hearing for everyone the Appeal Panel cannot start to make a decision about your case until they have listened to all the appeals for that day or, in the case of bulk appeals, all the appeals for Loughton School.

In order to reach a decision the Panel is bound by the legislation set out in the School Standards and Framework Act 1998, as amended by the Education Act 2002. The decision making process has two stages.

Firstly, the panel will decide whether it believes that Loughton School has applied the admission criteria correctly and if it has not, has this resulted in your child wrongly being denied a place at the school.

Secondly, the Panel must decide whether Loughton School has proved that the duty to offer your child a place at the school of your choice does not apply because the school is full.

The Panel will consider whether the admissions criteria were correctly and impartially applied. If it believes not, the panel has a duty to allow the appeal if your child has been wrongly denied a place at the school.

Stage 1: Case for the school

Would prejudice be caused by the admission of additional children which prevents the school from providing efficient education and/or making the best use of money and other resources available?

The Panel will also take account of a number of factors including: the school's published admission number, levels of staffing, available teaching space, classroom organisation and management and the school's pupil: teacher ratio. However, the Panel is **not bound** by these criteria when reaching its decision.

If the Panel is satisfied that the admissions criteria has been correctly applied and the admission of an additional child would prevent the school from providing efficient education and/or making the best use of money and other resources available, it will then move on to Stage 2 of the process.

Stage 2

The Panel considers the reasons you have stated why you want your child to attend a particular school and decides whether, if the Panel exercises its discretion to allocate a place for your child at the school, this would outweigh the prejudice that would occur.

When making its decision the Panel will take into account the reasons you have expressed for wanting your child to attend the school and any special circumstances stated by you.

When will I hear about the outcome of my appeal?

The Clerk to the Appeal Panel will send you details of the Panel's decision by first class post within five school days of the hearing. This may be delayed if there are a lot of appeals for admission, for example, during the bulk appeals period.

If my appeal is turned down, can I appeal against it?

No. There is no appeal against the decision of the independent Appeal Panel. However, if your circumstances change significantly, for example if you move in the defined area for the school, or a medical condition has arisen since the time of the original application was made, you may apply to the admissions authority requesting that they consider your case as though it is a new application. If the admission authority agree and then cannot offer your child a place you can ask for a new appeal within the same academic year. If the school's circumstances change significantly, for example, a change in class sizes or teacher: pupil ratio, you have the right to ask for a second appeal within the same academic year.

What can I do if I am unhappy about the appeal process?

Complaints about appeals

Appellants may complain about maladministration on the part of an appeal panel to the Secretary of State in respect of appeal panels for Academies. An appeal panel's decision can only be overturned by the courts where the appellant or admission authority is successful in applying for a judicial review of that decision. However, under Sections 496, 497 and 497A of the Education Act 1996, and under an Academy's funding agreement, the Secretary of State may consider whether the panel was correctly constituted by the admission authority and whether the admission authority has acted reasonably in exercising functions in respect of the appeals process or failed to discharge in a duty in relation to that process.

Useful Information

Copies of the School Admissions Code and the School Admission Appeal Code may be obtained from:

Department for Education Publications, Telephone: 0845 602 2260 or from DFE website:
<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00014-2012>