



**A GUIDE FOR PARENTS INVOLVED IN SCHOOL
ADMISSION APPEALS**

CONTENTS

INTRODUCTION	3
WHY APPEAL?	3
WHEN CAN I APPEAL?	3
HOW IS AN APPEAL ARRANGED?	4
WHO IS AT THE APPEAL HEARING?	5
WHO MAY I BRING?	5
WHAT IF I CANNOT ATTEND?	5
WHAT IF I NEED AN INTERPRETER/SIGNER OR OTHER HELP?	6
WHO ARE THE APPEAL PANEL MEMBERS?	6
WHAT IS THE ROLE OF THE CLERK?	6
WHAT WILL HAPPEN AT THE APPEAL HEARING?	7
PROCEDURE	7
WHAT WILL HAPPEN AFTER THE APPEAL HEARING?	8
WHAT IS THE DECISION MAKING PROCESS?	8
WHAT IS AN INFANT CLASS SIZE APPEAL?	9
HOW WILL I LEARN OF THE PANEL'S DECISION?	10
FURTHER INFORMATION	10

INTRODUCTION

This booklet is designed to help you understand what is involved in an independent education admission appeal on the Island. It is not intended to be a complete legal guide although every effort has been made to cover all the important points.

School	Admission Authority
Academies	Governing Body
Church-aided schools	Governing Body
Community schools	Local Authority
Foundation schools	Governing Body
Voluntary-controlled school	Local Authority
Voluntary-aided college	Governing Body

WHY APPEAL?

If you are not satisfied with the outcome of your application, you have the right to appeal to an independent, impartial and informal panel. That is an appeal. You do not have an automatic right to a place at the school of your choice. Instead you have a right to state a preference for the school you wish your child to attend. Sometimes there may not be enough places at the school for everyone who wants one. If you are refused a place you have the right to appeal against this.

WHEN CAN I APPEAL?

The appeal process should be started as soon as possible after you have been made aware of the decision to refuse your child a place at your preferred school, the deadline being within 20 school days from the date of notification.

The Appeal Form should be completed carefully and honestly. You should give as much information as possible, setting out all the reasons why you want your child to attend the particular school and/or why you do not wish them to attend the allocated school.

It is important that this section is completed in as much detail as possible and that it includes any supporting evidence (eg medical documents), written reports or documents, particularly if you are not going to come to the appeal, because this is the only information the Panel will have.

However, if you are unable to submit them at the same time as your form you should try to forward them to the Clerk to the Appeal Panel, at least eight working days prior to the appeal. This will give the Panel and the Admissions Authority sufficient time to read the document prior to your appeal. Evidence not submitted by this deadline might not be considered at the appeal or may result in your appeal being adjourned.

You should also be aware that the Panel would not have seen any previous correspondence you might have had with the Admissions Authority.

You can request a copy of your original application form from School Admissions, Isle of Wight Council or the school's Governing Body.

HOW IS AN APPEAL ARRANGED?

Admission appeals are dealt with under the Code of Practice on School Admission Appeals, which came into force on 1 February 2012. The purpose of the Code is to ensure the independence of admission appeal panels and to ensure that all admission appeals for maintained, Academy, Church Aided and Trust schools are conducted in a fair and transparent way. It should be noted that the Code has the force of law.

The admission appeal timetable

Admission authorities are responsible for arranging their timetable for appeal hearings. Admission Authorities **must** ensure appeals are heard within the following timescales:

- **Normal admissions round** – appeals for on-time applications (i.e. those relating to decisions sent on national offer day) **must** be heard within 40 school days of the deadline for lodging appeals.
- **Appeals for late applications** – such appeals **should** be included with those being heard for the same admissions round. However, if this is not feasible, appeals for late applications **must** be heard within thirty school days of the appeal being lodged.
- **School sixth-form admissions** –
 - i) Where the offer of a place would have been conditional upon exam results, appeals **must** be heard within 30 school days of confirmation of those results;
 - ii) Where the offer of a place would not have been conditional upon exam results, appeals **must** be heard within 40 school days of the deadline for lodging appeals.
- **In-year admissions** – (i.e. those made outside the timetabled admissions process) hearings **must** be held within thirty school days of the appeal being lodged.

School holidays are excluded, so this means that the period within which an appeal should be heard will be extended considerably if your appeal arrives just before the end of term or half term.

The Clerk is independent of the school and the School Admissions and can be contacted on ☎ (01983) 821000 or at Democratic Services at Isle of Wight Council, County Hall, Newport and is responsible for arranging school admission Appeal Panels.

If, at any time during the appeal process, you decide to withdraw your appeal please contact the clerk, followed by a letter or e-mail of confirmation.

WHO IS AT THE APPEAL HEARING?

- A panel of three members will usually hear the appeal.
 - A Clerk will attend from the Democratic Services Section.
 - A representative of the Admissions Authority will attend to explain the reasons for the Admissions Authority's refusal to offer your child a place at your preferred school.
-

WHO MAY I BRING?

We strongly advise that you attend the appeal and make oral representations to clarify or add to your written submission. You can also ask someone, such as a family member or a friend to accompany you. Someone can speak for you if you wish.

Organisations on the Isle of Wight who may be able to give you advice, should you feel this to be necessary are:

- SEND IASS Isle of Wight offers free, impartial, confidential and impartial information, advice and support to parents and carers of young people with special educational needs or disabilities (SEND) ☎ (01983) 825548 email sendiass@iow.gov.uk
- The Citizens Advice Bureau, situated at 7 High Street, Newport, Isle of Wight ☎ 03444111444. <http://citizensadvice.org.uk/local/isle-of-wight/>

Other useful organisations are listed on page 11

The Panel will try to ensure that the appeal is as informal as possible therefore legal representation is not normally necessary. However, if you do intend to be legally represented you should inform the Clerk to the Appeal Panel at least seven days before the hearing.

You have the right to call witnesses but it is not normally necessary for witnesses to attend. If you do intend to call witnesses you should inform the Clerk to the Appeal Panel at least seven days before the hearing and give the reasons why you wish them to speak.

There is no need for your child to attend but he/she may do so if you so wish.

WHAT IF I CANNOT ATTEND?

If for any reason you are unable to attend on the date given, please contact the Clerk on ☎ (01983) 821000. The Clerk will try to arrange an alternative date. However, this is not always possible due to the number of appeals to be arranged. Should it not be practical to find a more suitable date the Appeal Panel will decide upon the case using the written information supplied by you.

The Appeal Panel may, however, put off making a decision until more information is provided. If this happens you will be informed and may be asked for further information on specific points. This is in the interest of fairness to all concerned.

If you do not wish to attend the Appeal hearing the Appeal Panel can make a decision using your written submissions. However, **you** are the best person to tell the Appeal Panel why you want your child to go to the school as you know your situation. You will be able to clarify or add to your written submission and answer any questions to help the Panel make an informed decision.

WHAT IF I NEED AN INTERPRETER/SIGNER OR OTHER HELP?

If you are disabled or have other special needs, including the need for an interpreter, or you require the documents in large print or a loop system to be available, then please contact the Clerk to the Appeal Panel on ☎ (01983) 821000 who will make arrangements to ensure that the appeal is heard at a venue suitable for you.

WHO ARE THE APPEAL PANEL MEMBERS?

The Panel is usually made up of three people who are completely independent of the school and School Admissions.

The Panel will comprise of at least one person experienced in education and one layperson.

- The person experienced in education will usually be someone who is acquainted with educational conditions in the area, or is a parent of a pupil registered at a school.
- The layperson will be someone who has no personal experience in the management of a school or the provision of education in any school (except as a school governor or in another voluntary capacity).

The third member of the Panel can be a second person from either of the above categories.

None of the Panel members will have had

- **any connection with the admissions process affecting your particular case.**
- **any former knowledge of your case other than your Notice of Appeal and supporting documents and the Admission Authority's statement.**

WHAT IS THE ROLE OF THE CLERK?

The Clerk is **independent** of the school and the Admissions Authority.

The Clerk makes the necessary arrangements for the hearings and ensures all written material has been circulated to all parties.

The Clerk's role is to provide independent advice on both procedures and the School Admissions and School Admission Appeals Codes; they do not have any say at all in the Appeal Panel's decision.

The Clerk, on behalf of the panel, takes notes during the appeal hearing. In addition to notes taken during appeals to assist the panel's decision-making process, the clerk must keep brief notes of the proceedings, attendance, voting and decisions (together with the reasons for these decisions) in such form as the panel and clerk may agree is appropriate. Notes of the proceedings may be typed or hand written and ought to be clear. There is not a requirement for the notes to be a verbatim record of the hearing.

Notes and records of proceedings taken by the clerk **must** be kept securely and the notes will, in most cases, be exempt from disclosure under the Freedom of Information Act 2000 and the Data Protection Act. They may be disclosed, for example:

- a) following requests from the Local Government Ombudsman as part of his or her investigation of a complaint about the conduct of an appeal; or
- b) where information is required as part of court proceedings, for example, where a panel's decision is challenged by judicial review.

The Clerk will notify all parties of the Appeal Panel's decision.

WHAT WILL HAPPEN AT THE APPEAL HEARING?

Compared with other legal processes, Appeal Panels are relatively informal. The procedures followed, however, ensure that both parties have the opportunity to present their case.

When you arrive for the appeal you will be directed to a waiting area.

The representative of the Admissions Authority will also be asked to wait.

The Clerk will check that you have received all the paperwork, which was also circulated to the Appeal Panel and Admissions Authority at least a week before the appeal. The Clerk will outline the procedure to be followed.

The Clerk will invite both you and the representative of the Admissions Authority into the room where the appeal will be heard. Both parties should enter the room at the same time, the Panel members will already be seated.

You will be introduced to all present.

PROCEDURE

1. The Panel Chairman introduces everyone and explains the procedure to be followed.
2. The Admissions Authority representative will put the case based on its written submissions.

3. You or your representative and the Panel can then ask any questions relating to the reasons for refusal and the points made by the Admissions Authority, **but** you should not refer to your own individual circumstances at this stage.
4. You or your representative will then be invited to present your case. Your case should expand on the reasons why you want your child to go to the particular school, as contained in your Notice of Appeal.
5. The representative of the Admissions Authority and the Panel may ask questions about your reasons.
6. The representative of the Admissions Authority will sum up the reasons for refusing your child a place.
7. You then sum up your reasons for wanting a place.
8. Both you and the Admissions Authority representative will then be asked to leave the room.

WHAT WILL HAPPEN AFTER THE APPEAL HEARING?

The Panel will then discuss the appeal. The Clerk will remain with them and advise on procedure and the law, but will not play any part in the decision making.

The Appeal Panel will then discuss the appeal based on the information presented to it by you and the Admissions Authority representative.

In instances where there are a number of appeals for the same school, the Appeal Panel does not make a final decision until all the appeals have been heard. This may be some days after your own appeal hearing.

WHAT IS THE DECISION MAKING PROCESS?

Except in the case of certain appeals relating to infant classes (see Infant Class Size Limits below) the Appeal Panel has to make a number of decisions.

1. The Panel has to decide if the published arrangement complied with the mandatory requirements of the School Admissions Code and the School Standards and Framework Act 1998.
2. The Panel has to decide if the admission arrangements were correctly and impartially applied in the case in question.
3. The Panel must then decide whether the admission of additional children would cause prejudice or problems for the school

In other words, did the admission authority make a mistake when it applied the admission criteria, which has resulted in a place being denied?

They will consider a number of factors including the school's accommodation arrangements and the school's published admission number. If the Panel decides your application was not dealt with correctly and you were unfairly denied a place, the Appeal Panel will allow your appeal.

4. If the Panel decides that your application was dealt with correctly, the panel will take into consideration any strong personal reasons you may have why your child should attend the school and balance your case against the problems a further admission may cause the school.

The government decided there should be a uniform basis for deciding the optimum number of pupils that can be admitted bearing in mind the physical size of the school. This is known as the 'net capacity' for the school.

The admission authority will decide how many pupils the school can admit using the net capacity, without adversely affecting the efficient and effective education of the pupils at the school. The number that the school will admit is the published admissions number.

The admission authority will argue that to go beyond the published admissions number will cause problems and will explain what those problems are.

WHAT IS AN INFANT CLASS SIZE APPEAL?

A class size appeal is where the admission authority claims that if the published number is exceeded, that the school will exceed the legal limit of 30 pupils to one teacher.

There are only limited grounds on which an appeal can be successful.

1. If the Panel finds that the admission of additional children would not breach the infant class size limit; or.
2. The Panel finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied and that your child would have been offered a place if they had; or
3. That the decision which the admission authority took was unreasonable.

The Panel will review the admission authority's decision based on the information available at the time it made its decision.

The Appeals Code states that the threshold for finding that an admission authority's decision to refuse admission was not one that a reasonable authority could have made is high.

Second stage – comparing cases

This stage will only be used when a number of Infant Class Size appeals for the same academic year and school have met the criteria at stage 1

The panel **must** compare each appellant's case for their child to be admitted and decide which of them, if any, to uphold. Where the school could admit a certain number of children without breaching the infant class size limit (or without needing to take measures to avoid

breaching it that would prejudice the provision of efficient education or efficient use of resources) the panel **must** uphold the appeals of at least that number of children.

HOW WILL I LEARN OF THE PANEL'S DECISION?

It is accepted that this is an anxious time for you and every effort will be made to ensure that you are notified of the decision and the reasons for it in writing within 5 working days of the decision.

If the appeal is allowed arrangements will then be made for your child to attend that particular school.

The decisions of Admission Appeal Panels are binding on the Admissions Authority.

If your appeal is not successful and you remain dissatisfied you have the following options:

If you believe there has been maladministration on the part of the Council you can involve the Local Government Ombudsman. The Ombudsman cannot however change the decision. The address to write to setting out the specific issues is:

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

☎ 0300 061 0614 or text 'call back' to 0762 481 1595 visit website www.lgo.org.uk E-mail: www.lgo.org.uk

If you believe that the Admissions Authority has acted unreasonably in exercising its statutory functions you can write setting out the reasons for your complaint to:

Secretary of State for the Department for Education
Castle View House
East Lane
Runcorn
Cheshire
WA7 2GJ

☎ 0870 000 2288 Website: <http://www.education.co.uk>

FURTHER INFORMATION

These notes are to help you make your appeal for the school of your choice and are intended for guidance only. The legal basis for an Appeal Panel is contained in the Schools Standards and Framework Act 1998 and Code of Practice on School Admissions Appeals, which came into effect on 1 February 2012. A copy of the Code is available on the Department for Education website at

<http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/school-admissions-codes-and-regulations>

Further guidance is available on the School Admissions website available on www.iwight.com.

If you require any further information about this Guide or the Appeals process, please contact:

Clerk to the Appeal Panel
Democratic Services
Isle of Wight Council
County Hall
Newport
Isle of Wight PO30 1UD

☎ (01983) 821000
Email school.appeals@iow.gov.uk

Or

Schools Admissions
Isle of Wight Council
County Hall,
Newport
Isle of Wight PO30 1UD

☎ (01983) 821000
e-mail: school.admissions@iow.gov.uk

Other useful addresses:

Advisory Centre for Education
1c Aberdeen Studios
22 Highbury Grove
London
N5 2DQ

☎ Freephone 0300 0115 142 (Mon - Wed 10 am – 1 pm) (term time only)
Website: <http://www.ace-ed.org.uk/>

School Appeals – provide a free Guide Digest on the Admission Appeal process.

The Digest offers preliminary and general guidance about school admission appeals. It covers the appeal process and gives preliminary guidance about preparing for an admission appeal. It also covers a basic understanding of the appeals process and helps you to prepare for the issues that you will need to consider for your appeal. This digest can be downloaded free of charge.

Copies can be obtained from

☎ 01903 718741

Website: www.schoolappeals.org.uk or <http://www.schoolappeals.org.uk/further-info/information.php> & <http://www.schoolappeals.org.uk/downloads/digest.pdf>

A guide for parents on Primary and Secondary School Admissions and Appeals is available from the Department of Education

☎ 0370 000 2288

Or access the site on the following link

<http://www.dcsf.gov.uk/sacode/downloads/SchoolAdmissionAppealsCodeWEB060309.pdf>

Democratic Services
Isle of Wight Council
County Hall
Newport
Isle of Wight
PO30 1UD

☎ 01983 821000

Correct as at August 2017