

## SCHOOL ADMISSION APPEALS GUIDANCE NOTES FOR PARENTS AND CARERS



### **Q. When can I appeal?**

- A.** Under the School Standards and Framework Act 1998 (SSFA) you have the right to appeal if your child has been refused a place at the school you want him or her to attend or if you are unhappy with the alternative you have been offered.

This does not apply to children with Statements of Special Educational Needs whose rights are covered by Section 326 of the Education Act 1996. If your child falls within this category please contact Special Educational Needs Section at Royal Greenwich, on 020 8921 8945 for further information.

### **Q. How do I appeal?**

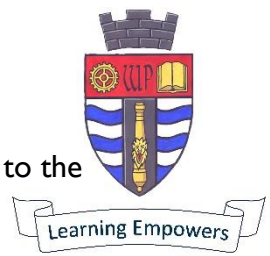
- A.** Appeal forms are available from our website: [www.woolwichpoly.greenwich.sch.uk](http://www.woolwichpoly.greenwich.sch.uk). Alternatively, you can obtain a hard copy by contacting us on 020 8310 7000.

You should send your written case for appeal as soon as possible after being informed that your child has not been granted a place at a school for which you have applied. In the case of 'planned' admission appeals, you will be advised of a specific closing date for the receipt of completed appeal forms.

When writing your appeal you should list the reasons for wanting that particular school, such as:

- Nearest/most convenient school.
- Single sex/co-educational.
- Brothers/sisters already attending.
- Other family associations.
- Close friends attending.
- Medical or social reasons.
- Educational reasons (e.g. curriculum, discipline).

If you wish to include medical factors as part of your case, these must be supported by written evidence. You may find it helpful to provide a supporting statement written by a professional such as a doctor or education psychologist.



If you have several reasons you can, of course, attach additional sheets of paper to the appeal form.

Once you have submitted your appeal form and any supporting evidence, you will be sent a letter acknowledging receipt of your appeal form.

**Q. Can I appeal for a place at an academy?**

**A.** Yes, you can. If you wish to appeal against the decision not to offer your child a place at an academy you need to complete an appeal form provided by the school. It is the responsibility of the school's governing body to make the arrangements for admission appeals to be heard by an independent appeal panel. Please contact us to obtain details of our appeals procedure.

**Q. How is the appeal arranged and where will it be held?**

**A.** An appeals clerk, who is independent of the school, will make the arrangements for your appeal to be heard, probably in conjunction with a number of other appeals. The clerk will write to you, well in advance of your appeal hearing, advising you of the date, time and venue and s/he will provide you with further information regarding the appeals process and how the panel will reach its decision in respect of your appeal.

You will be invited to attend the hearing in person and you may be accompanied by a friend or adviser whose support you value. With the agreement of the panel, you may have your case put for you by a representative, if you so wish. The representative cannot be someone from the school you are appealing for as this could lead to a conflict of interest. Legal representation will seldom be necessary or appropriate but if you do propose to be legally represented at the hearing, you will need to advise the clerk accordingly, in advance of the hearing. If you are unable to attend the hearing, you can be represented by your friend or relative, or your written statement may be considered on its own.

**Q. What happens next?**

**A.** You will receive a copy of the appeal case papers outlining the school's reasons for not being able to offer your child a place. It is recommended that you keep these papers in a safe place as you will need to bring them with you to the appeal hearing.

If necessary, you may submit additional information any time up to your appeal hearing, but if you provide new information too close to the hearing date, the hearing may need to be adjourned to allow all parties the opportunity to consider it.



Learning Empowers

**Q. Who will hear the appeal?**

**A.** The appeal panel is independent of the school and is made up from three people from the following categories:

- At least one lay member (i.e. those without personal experience in the management of any school or the provision of education in any school, disregarding experience as a school governor or in another voluntary capacity).
- At least one person with experience in education (i.e. those who are familiar with educational conditions in the local area or who is a parent/carer of a registered pupil at a school).

Members of the panel will not have any direct connection with the school. All panel members will be specially trained and will be chaired by a member that has experience of chairing appeals.

**Q. Who else attends the appeal?**

**A.** In addition to the three panel members, there will be the clerk who is there to take notes and advise on law and procedure. In addition, the headteacher of the school for which you are appealing may also attend (solely to answer questions put to them about the school).

**Q. What will happen at the hearing?**

**A.** Your appeal hearing will be held in private. The conduct of your hearing will be as informal as possible and everything will be done to put you at ease. However, as admission appeals perform a judicial function, certain procedures do need to be adhered to.

Following the welcome and introductions, the hearing will follow in this order:

- (i) The case for the school.
- (ii) Questioning by you, as the appellant, and the panel.
- (iii) Your case for appeal.

When stating your case you can either simply refer to your written appeal (which will be in front of each panel member together with any supporting documents you have submitted) or you can expand on your written statement and give new reasons if you



wish. The chair will encourage you to say everything you can think of which may help your case. If you have a friend or representative with you they may speak for you or add to your argument.

- (iv) Questioning by the admission authority and the panel.
- (v) Summing up by the admission authority.
- (vi) Your summing up.

You should use this opportunity to emphasise points made earlier and sum up your case.

As members of the panel can ask questions at any time of either party, you may find it helpful to prepare your case beforehand so that you can refer to your notes on the key points during the hearing.

**Q. What if I have difficulty in speaking or understanding English?**

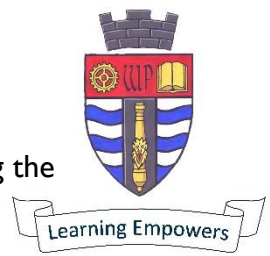
- A.** If English is not your first language and you would like an interpreter to help you at the appeal, this can be arranged by the clerk but you will need to ask in advance of the hearing. Also, if you have a hearing impairment it may be possible for the clerk to arrange for a sign language interpreter to accompany you but again you will need to ask in advance.

**Q. How is the decision reached?**

- A.** At the end of the hearing, and before the decision is reached, everyone except the three panel members and clerk will leave. The decision will be made in private, by the three panel members, although the clerk will remain to advise them on procedure and the law if required. If there are several appeals for the same school, no decision will be reached until they have all been heard. However, even if there are a number of appeals being heard one after the other, each one will be considered on its own merits. The independent appeal panel's decision is binding on the school.

When considering your appeal, the panel must take into account your preference and the reasons for it, and the school's published arrangements for admission (a copy of which will be available at the hearing).

The school's representative will have tried to demonstrate that if your child is admitted, not only will the admission limit be exceeded, but the quality of education on offer will be reduced as a result.



Appeal panels reach their decisions in respect of admission appeals by observing the following two stage process:

#### First stage

In examining the decision to refuse admission, the panel may only uphold your appeals if it finds that:

- (i) the admission arrangements do not comply with the law or were not properly implemented **and** your child would have been offered a place if the admission arrangements did comply or had been properly implemented; or
- (ii) the admission of an additional child would not prejudice the provision of efficient education or efficient use of resources.

If the panel is not satisfied that the school has successfully demonstrated its case at the first stage, your appeal will be allowed without further consideration.

If panel members are satisfied that the school has made its case at the first stage, they will go on to consider the points you raised in your appeal and ‘balance’ them against the prejudice that would arise if an additional child were admitted to the year group.

#### Second stage

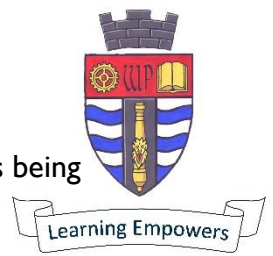
If the panel considers that you have compelling reasons for your child to attend the school in question, which outweigh the prejudice arguments presented by the school your appeal will be upheld, even though this will require the school to take more pupils than was planned.

#### **Q. How will I find out the outcome of my appeal?**

- A.** The clerk will send you a letter informing you of the outcome of your appeal, and the reason for the decision, as soon as possible. This will normally be within five working days from the date of your appeal hearing, unless there are multiple appeals for the school.

#### **Q. What happens after the appeal?**

- A.** If your appeal is successful, your child will be admitted to your preference school. If your appeal is unsuccessful, your child should attend one of the alternatives offered by the Local Authority or, if you prefer, another school you have expressed a preference for if a place is available. Alternatively, you have the right to educate your child at home,



although the Local Authority will need to be satisfied that a suitable education is being provided.

**Q. If my appeal is unsuccessful, can I take it further?**

- A.** Yes, you can. The Local Government Ombudsman can investigate complaints about maladministration on the part of an appeal panel. However, this is not a right of appeal and has to relate to issues such as a failure to follow correct procedures or a failure to act independently or fairly rather than just that the person making the complaint thinks that the decision is wrong.

If you are dissatisfied with the decision and consider that the way in which the school's admissions arrangements operate is unreasonable or that the panel was wrongly constituted, then you may send a written complaint to the Secretary of State. The decision of an appeal panel can only be overturned by the courts where either the appellant or admission authority are successful in applying for Judicial Review of that decision.

**Q. Where can I obtain further information?**

- A.** Further information on the regulations relating to school admission appeals is available from the Department for Education's website: [www.education.gov.uk](http://www.education.gov.uk). (search for the School Admissions Code and School Admission Appeals Code).

For independent and impartial advice on all matters relating to school admissions and the appeals process, please contact Royal Greenwich's Families' Information Service on 020 8921 6921 or at: [fis@greenwich.gov.uk](mailto:fis@greenwich.gov.uk).

Alternatively, for independent advice on state education, including admission appeals, you can contact the Coram Children's Legal Centre at:

Coram Community Campus  
48 Mecklenburgh Square  
London  
WC1N 2QA  
[Childrenslegalcentre.com](http://Childrenslegalcentre.com)  
0808 802 0008