

Admission Appeal



Guidance for parents/carers

This guidance is for admission appeals regarding schools and academies in Cirrus Primary Academy Trust.

If you decide to appeal having read through this guidance, please find an appeal form on page 7, which you should send with any other documentation to the school to which you are appealing and marked clearly for **The Admissions Officer**.

Objectives of Admission Appeals

The fundamental objectives of admission appeals are to:

1. provide an independent, impartial and informal but structured forum for appellants and the admission authority concerned, to present their respective cases and to be confident that they will be given a fair hearing;
2. ensure that appeal panels weigh up all the evidence presented to them carefully and objectively before reaching a final decision on the appeal;
3. operate within education and other relevant legislation, including the Human Rights Act 1998 and the Equality Act 2010. Appeal panels are also required to have regard to guidance in the Equality and Human Rights Commission's Code of Practice for Schools when determining an appeal. Appeal panels are carrying out a judicial function and must apply the principles of natural justice.
4. operate in accordance with the mandatory provisions of the School Admission Appeals Code, having regard to all relevant guidance in conducting appeals arrangements, including this Code and the School Admissions Code; and to
5. provide a system which is clear, consistent and easy to understand by everyone involved, particularly by parents and children.

The Role of the Appeal Panel Administrator

The Appeal Panel Administrator (Administrator) is responsible for the administration of your appeal. Although engaged by Cirrus Primary Academy Trust, the Administrator acts in an entirely impartial way. He/she will be happy to answer questions about the appeal arrangements but cannot advise on the details of your case.

The Administrator will send copies of the appeal papers to the Panel members in advance of the hearing. At the same time a set of the papers will be sent to you and the Presenting Officer for the Trust (this is likely to be someone from the school, or a school governor). The appeal papers will include your form, any accompanying documents, as well as information giving reasons why your child has not been offered a place at the school in question. You may submit additional information in support of your appeal (including medical evidence), which should be at least 5 schools days before the hearing date clearly marked "additional information" with your child's name and school you are applying for. If you need to present anything new on the day of the hearing there is a slight risk that the proceedings might have to be adjourned.

If you do need to send any documents to us please ensure that:

- The correct postage is used
- They are A4 in size (please reduce or enlarge any documents that are not A4)
- They are not fastened by staples, treasury tags or clips
- They are not in plastic or document wallets or binder/lever arch files
- They are not separated by file dividers or by any other means

Due to time constraints there is no provision at any of our appeals to make video or other audio/visual presentations about your child.

Appeal Panel Members

A panel of three independent trained volunteers will consider your appeal. Each panel is made up from one or two lay members (i.e. people without personal experience in the management or provision of education, in any school, do not work for the school, cannot be governors of the school and are not parents of a child at the school) and one or two non lay members who have special knowledge and/or experience of the provision of education or who are parents of pupils at other schools (but cannot work for the school or the Trust in an educational capacity, except as a retired teacher or a teacher from another school, nor be governors of the school).

None of the Panel will have had anything to do with your case prior to you submitting your appeal.

When and Where?

Your appeal may be scheduled for any time from 09.00 to 20.00 between Monday to Friday.

You will receive written notice of the date and time of your appeal 10 school days in advance of the hearing unless you have waived this right. It may be possible to call a meeting at shorter notice if everyone involved agrees. We will endeavour to hold your appeal at one of our schools within the Trust. If this is not possible it will be held in Croydon or Sutton. You will be met in the reception area by the Clerk.

You will be given at least 10 school days' notice of the date of your appeal hearing.

Appeals for Reception places

Appeals must be heard within 40 school days of the appeal being lodged, or before the end of the summer term - whichever is sooner.

Appeals for late applications in Reception

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 30 school days of the appeal being lodged.

In-year admissions

For applications made outside of the timetabled admissions process, hearings must be held within 30 school days of the appeal being lodged.

Appeals take approximately 30 minutes. Every effort is made to keep to your appointment time. However, there is occasionally some delay if previous appeals take longer than expected.

Who Attends the Appeal?

Parents/carers and the Admission Authority (Cirrus Primary Academy Trust) representative are normally present at the hearing to give information and answer questions. Indeed, it is very important that you try to attend the hearing personally no matter how uncertain or nervous you may feel. This is because it helps the Panel gain a deeper understanding of your case if you are there in person.

However, given the complexity and large number of appeals to be scheduled, it is inevitable that some parents will receive a date for their appeal that they cannot attend. If this is the case you may wish to send a representative on your behalf (Please advise us well in advance of any dates that you know you will be unavailable and we will try to accommodate you on another day within the dates timetabled for the school for which you are appealing, but we cannot guarantee this).

The Panel members do understand that it is not always possible for parents to attend. They do, however, also understand that appeals for the same school should be heard together.

If you do not attend, the representative will still be entitled to appear at your hearing - but not to introduce fresh evidence.

If you do not wish to, or find that you cannot attend your appeal on the day, for whatever reason, the Panel members will hear the appeal in your absence and make their decision based on the information available to them at the time. If you are not attending the appeal, please let the Administrator know in advance so that the Clerk is aware of this.

You are welcome to bring someone to help you put your case.

Your 'friend' or adviser at a hearing can be a locally elected politician, or an employee of the local education authority such as an educational social worker, SEN adviser or learning mentor, provided that this will not lead to a conflict of interest.

Representatives of the schools for which you are appealing must not support individual appeals at the hearing itself or by providing letters of support for appellants, because of possible conflicts of interest and the possibility of unfairness to other appellants.

As this is not a court of law, and bearing in mind the importance of maintaining an informal atmosphere, legal representation will not usually be necessary. Whoever attends, the Trust cannot pay costs.

Please advise the Administrator in advance if you need the help of an interpreter or have special access requirements because you are disabled.

Appeal Panel Procedure

The Panel must first consider whether the school's published admission arrangements comply with the mandatory requirements of the School Admissions Code. They must also decide if they were correctly applied in your child's case.

You will then have the opportunity to state why you are appealing against the decision. Any additional information to support your appeal should be provided in advance, as the Panel may have insufficient time to consider any evidence provided on the day of the hearing.

The Panel will balance both cases. If it finds that the admission authority's case is stronger, it will uphold the decision not to offer your child a place. If the panel decides that your case is the stronger, it will uphold your appeal and your child will be awarded a place at the school. However, the Panel must bear in mind the limited reasons for upholding an appeal in the case of Infant Class Size Prejudice (as described below).

The Decision

The independent Clerk to the Appeal Panel will advise you of the outcome in writing within seven days if possible. If you are unsuccessful you can still ask for your child's name to be kept on a waiting list.

The decision of the Panel is binding - both on you and on the school - and can only be overturned by the courts.

Infant Appeals – Key Stage 1 Class Size Restrictions

For infant classes of five, six and seven year olds the number of pupils is normally limited by law to a maximum of 30.

Admission applications can be refused if all of the school's Infant classes have reached their legal limit. You should note that in this type of appeal, the panel has limited powers and is only allowed to consider whether:

- the child would have been offered a place if the admission arrangements had been properly implemented
- a place would have been offered if the arrangements had not been contrary to criteria set out in the School Admissions Code
- the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case

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 of efficient use of resources) the Panel must uphold the appeals of at least that number of children.

Letting You Know

The Clerk will write to you and the Admission Authority (Trust) giving the Appeal Panel's decision as soon as possible. Please note decisions cannot be conveyed by telephone in the interests of protecting confidentiality. The Appeal Panel's decision is binding on all parties. The Appeal Panel is the final stage of appeal.

Complaints about the Appeals Process

If, after your appeal, you are concerned that it did not comply with the code or was set up incorrectly, you have the right to complain to the Education & Skills Funding Agency within six months of the date of the hearing. The ESFA, who act on behalf of the Secretary of State, cannot overturn the decision of an Appeal Panel but may decide to investigate the complaint if it considers there are sufficient grounds to do so.

<https://www.gov.uk/schools-admissions/complain-about-the-appeals-process>

You should get a decision on your complaint within 9 weeks (45 working days). You'll be told if it'll take longer.

You'll get a letter explaining the reasons for the decision.

If the Education Funding & Skills Agency decides something went wrong with the appeals panel, it may either:

- ask the school to hold a new appeal hearing with a different panel
- recommend the school reviews its appeals process

For More Information

This document is intended to help you in your appeal against the Admission Authority's decision not to offer your child a place at your preferred school.

The information in these notes is for guidance only and is based on the Code of Practice for School Admission Appeals published by the DfE. This document, and a related Code of Practice on school admissions generally, is available from the DfE website:

www.education.gov.uk

Specific information about the appeals process is available at:

<https://www.gov.uk/schools-admissions/appealing-a-schools-decision>

The legal basis for Appeal Panels is contained in the School Standards and Framework Act 1998.

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Cirrus Primary Academy Trust – appeal form

Please use this form for admission appeals for all schools and academies within Cirrus Primary Academy Trust



Name of child:

Date of birth:

Application reference (if applicable):

Home address:

Postcode:

Home telephone:

Mobile telephone:

Email address:

Name of school/academy for which you are appealing:

Reasons for Appeal:

Please let us know if you intend to send a more detailed letter after you have returned this form

Please continue on a separate sheet if you wish

EQA 2010: If you believe your child has a disability, please tick this box

Signed
(parent/carer):

Print name
Mr/Mrs/Ms/Miss/Dr:

Date: