

**LANCASHIRE COUNTY COUNCIL
VOLUNTARY AIDED AND FOUNDATION SCHOOLS AND ACADEMIES
ADMISSION APPEALS**

The School Standards and Framework Act 1998 gives you the right to an admission appeal to an Independent Appeal Panel who have the power to direct the Governing Body of a Voluntary Aided or Foundation School to make places available.

These notes tell you how to appeal and what happens if you do.

Please note that if your child has a Statement of Special Educational Need, the appeal must be considered by an SEN Tribunal. You should therefore not complete the attached appeal form. Please contact the Special Educational Needs Team at your Area Education Office (Tel: North 01524 581200; South: 01772 581836; East: 01254 220553 for a Tribunal booklet and further information about the Tribunal process.

1. ALL APPEALS MUST BE IN WRITING

Enclosed with these notes is an Appeal Form. If you wish to appeal against the Governing Body's decision not to offer a place for your child at your preferred school, you must fill in this form and return it to the following address:

The Chair of Governors at:

It is strongly advised that you return the appeal form without delay.

2. WHY A SCHOOL PLACE WAS REFUSED

The school, or schools, which you preferred had already been filled up to their published admissions number(s) in the year group (s) required. Places were allocated to other applicants who had higher priority under the published admission arrangements. **Independent Appeal Panels may however allocate additional places (see a, b and c below).**

The School Standard and Framework Act 1998 require that no maintained school has an infant class of more than 30 children per single qualified teacher.

This statutory requirement has been effective since September 2001 and applies to all infant classes (Reception, Year 1 and Year 2).

When considering an appeal on infant class size grounds, Independent Appeal Panels may only allow an appeal if they consider that in allocating a further place at the preferred school:

- (a) The admission of additional children would not breach the infant class size limit

- (b) the admission arrangements did not comply with admissions law or were not correctly or impartially applied and the child would have been offered a place had there been compliance or had they been correctly and impartially applied*
- (c) the decision to refuse admission is not one which a reasonable admission authority would have made in the circumstances of the case**

* Not only must the panel find that the admission authority failed to apply the admission arrangements properly, they must also establish without doubt that the child would have been allocated a place had the admission arrangements been properly applied. An appeal can only be allowed where both of these factors have been clearly established.

** For the decision to be "unreasonable" the independent appeal panels must decide that the decision to refuse the child a place was perverse in the light of the admission arrangements i.e. it was beyond the range of responses open to a reasonable decision maker or so outrageous in its defiance of logic or of accepted moral standards that no sensible person would have arrived at it.

Independent panels should only allow class size appeals when one of these strict conditions applies. When considering class size appeals, the situation in a school in future years as well as within the year group being appealed for must be considered.

You are able to defer the hearing if you are unable to attend and are willing to wait for a later date. There may be a deferral for a few weeks until the next hearing can be arranged. If you decide to defer your hearing you should confirm this as far in advance of the set date as possible.

You may wish to consider sending a representative in your place to present your case. Please note that you should confirm who this will be ahead of the hearing in order that all concerned are aware that the person has been nominated as your representative.

3. WHAT TO INCLUDE IN YOUR APPEAL CASE

It is important that you describe on the appeal form why you consider that an unreasonable decision has been made in not offering your preferred school. If you wish, you can appeal for more than one school and / or for schools which were not originally your preference.

You must provide any additional information in support of your appeal which you feel is relevant and this must be submitted with your appeal form. This should include all relevant personal circumstances, (medical, social or welfare reasons), which would make it difficult for your child to attend the allocated school. You may provide additional information to support your case for example a doctor's letter or other independent written information (ideally all documents should be A4 sized – same as the appeal form and not stapled together

Please note that if you refer to such written information but do not produce it beforehand or at the hearing, it cannot be considered by the Independent Appeal Panel. If you submit information after the deadline date, it may not be considered. The independent appeal panel will decide if it can be included and they may delay or defer the hearing until a later date.

If you need assistance in completing this form, please telephone or arrange to visit the Area Education Office, where advice and assistance will be available.

Addresses

You must indicate your current address on the appeal application form.

If you change address at any time between submitting the appeal and the actual appeal hearing, it is your responsibility to confirm that this has happened. Correspondence may be issued to an incorrect address if you have changed address and failed to confirm your relocation.

You will always be required to provide firm written evidence of any change of address. This should ideally be done prior to your appeal hearing and by the deadline date for submitting all information. If you bring evidence to the hearing, the independent appeal panel will decide whether or not this is sufficient to accept the new address for the purpose of hearing your appeal. Temporary addresses are not always accepted for school admission purposes and evidence of the date of disposal of a previous property may be required.

Evidence of a house move / sale requires a solicitor's confirmation of an exchange of contracts. Rental and lease agreements may be submitted, although as stated, temporary addresses are not always accepted for school admission purposes.

You are therefore strongly advised to confirm any change in address as soon as it occurs and to seek advice about providing evidence of your relocation.

You must in your written appeal case, refer to procedural issues, which you feel may have prejudiced the fair allocation of a place at your preferred school (for example a misplaced or late application). This is significant information and if it is raised at your appeal without any prior notification, then the hearing may be delayed or deferred pending an investigation about the allocation process.

It is strongly advised that you raise any procedural issues about the allocation process and your application with the Local Authority and / or school as far in advance of your appeal as is possible.

Appeals for Siblings

If you have submitted appeals for siblings for places at the same school then you should highlight this on the appeal application form and efforts will be made to arrange appeal hearings on the same day.

Please note that for each child you will be allocated a separate appeal hearing. If you wish to present a joint case for all of the siblings then this is an option which is available. The decision about whether to present an individual case per child or a single case for all siblings, is for parents.

The case presented for any school may however vary between year groups and in primary schools may be a class size case for some schools/year groups and not others. This will be explained in the appeal information issued to you before your appeal and if necessary at the hearing.

Independent appeal panels will therefore make individual decisions for each appeal even where siblings are appealing for the same school. This means that it is possible for decisions for each child to vary even where siblings, require places at the same school (or in some cases where a sibling already has a place or is attending).

4. WHAT HAPPENS NEXT?

The School Governing Body will make the necessary arrangements for your appeal to be heard. You will receive a letter confirming the date, time and venue of the appeal hearing. You will usually be notified at least 14 days before the hearing to give you time to prepare. You will also receive a statement from the School, which will give the reasons why your child was not allocated to your preferred school. This will normally be sent to you at least 7 days before the hearing.

5. ATTENDING THE HEARING

It is strongly advised that you attend the hearing as this will give you the opportunity to state your case in person and to respond to any queries and clarify any relevant parts as required by the independent appeal panel. The Appeal Panel will have a better idea of your case if they can meet with you and have amiable and constructive discussion. You are able to send someone to represent you if you are unable to attend. If you attend yourself you may be accompanied by a friend or representative.

If you choose not to attend the hearing the Appeal Panel will make a decision on the basis of:

- (a) the written evidence you have provided; and
- (b) a written or oral statement given at the hearing by the school, giving the reasons why your child was not allocated to your preferred school.

It is however, recommended that you attend the hearing.

You are able to defer the hearing if you are unable to attend and are willing to wait for a later date. There may be a deferral for a few weeks until the next hearing can be arranged. If you decide to defer your hearing, you should confirm this as far in advance of the set date as possible.

You may wish to consider sending a representative in your place to present your case. Please note that you should confirm who this will be ahead of the hearing in order that all concerned are aware that the person has been nominated as your representative.

6. PRESENTING YOUR CASE

The hearing is **not** like a court case. Generally, hearings last around 20 minutes and are informal in nature. If you need longer to present/clarify your case, then this will be allowed. Venues are usually local and panel members are predominantly drawn from other areas of Lancashire to ensure their impartiality.

The following people will be in the room:

- (a) A Panel of 3 people, who are lay persons and persons experienced in education. These people act **independently** of the School Governing Body and have no connection with the school for which you are appealing for the school to which your child has been allocated a place. These are the people who will make the decision about your appeal.
- (b) A Clerk, who will advise the Independent Appeal Panel about the law and procedures and who will also take notes of the meeting.

- (c) A representative from the school, who will present the case for the school (i.e. the Voluntary Aided or Foundation School for which you are appealing). Occasionally the school may also have a witness present.

The school's representative will explain why a place at your preferred school has not been allocated to your child. You may ask questions and you may also challenge any statements which are made.

You may then be asked for the reasons why you feel that it is unreasonable for your child to attend the school which has been allocated and you may also be asked questions. It is important to bring with you any written evidence in support of your case that you have not been able to send prior to the hearing with your appeal form.

Appeal panels are prohibited by the School Admission Appeals Code from allowing Headteachers and representatives of the school being appealed for providing supporting information (written or verbal) in advance of or at your appeal hearing.

7. REPRESENTATION AT APPEAL HEARINGS

You are strongly encouraged to attend your admission appeal hearing(s) in order to clarify or supplement your written appeal case.

You are able to have a friend, adviser interpreter or signer in attendance and they may speak on your behalf at the appeal hearing. The friend or adviser may include a locally elected politician or an employee of the Local Authority for example a social worker (as long as this is not considered to lead to a conflict of interests).

Please note that:-

- **If a signer or interpreter is required at your appeal hearing, then the admission authority will make and fund the necessary arrangements. You must therefore give as much notice as possible if you will require any such arrangements.**
- **Appeal panels are prohibited by the School Admission Appeals Code from allowing headteachers and representatives of the school being appealed for, providing supporting information (written or verbal) in advance of or at your appeal hearing.**

If you feel discrimination has occurred on the basis of a protected characteristic (as defined within the Equality Act 2010), please request further information and assistance from an Area Pupil Access Team. The defined protected characteristics are disability, race, gender, religion or belief, age, sexual orientation, gender re-assignment, pregnancy or maternity and marital and civil partnership status.

You are able to have legal representation at your hearing if you wish. This is however, not normally necessary. Admission appeal hearings are not intended to debate points of law.

8. THE INDEPENDENT APPEAL PANEL'S DECISION

It is usual that a single Independent Panel will hear every current appeal for a particular school. No decisions are made until all the appeals have been heard. The Panel meets in private to make its decision (no parents or school representatives will be present). The Clerk will be present but has no involvement in the decision making process, and will be present purely to assist the Panel on the law and procedures and to record their decisions.

If the appeal is refused the original allocation is automatically confirmed.
If the appeal is allowed, then this decision is binding on all parties.

9. FINDING OUT ABOUT THE DECISION

The Clerk will write to let you know the result of the appeal after the hearing. This is usually done in writing to all appellants shortly after the hearing has taken place.

Please note that where any appeal is successful, if the place at the school is not accessed at the appropriate time, then the school will contact the successful appellant and may set a deadline for the place to be taken. The place may be withdrawn if this does not happen.

10. OFFERS OF SCHOOL PLACES

Please note that in relation to offers for school places, only a written offer from a Local Authority is valid.

For Lancashire primary schools, the only legally valid offers for school places are those from Lancashire County Council. Any other offers for a Lancashire primary school – verbal, e-mail or in writing – are invalid and do not apply. Primary school offers from any school or from another Local Authority are not legally valid. Neither are offers from other local authorities for Lancashire residents.

For Lancashire secondary schools, the only legally valid offers for school places are those from Lancashire County Council or from your home local authority if you live outside of Lancashire. If you do live outside of Lancashire your home local authority must issue offers for school places. Any other offers for a Lancashire secondary school from other local authorities – verbal, e-mail or in writing – are invalid and do not apply.

Any offers made, which are not within the procedures agreed by Lancashire with its schools and neighbouring admission authorities, will be deemed invalid and the school places will not be allocated.

If you are in receipt of an offer of a school place which you are uncertain about, you must contact the Area Pupil Access Team for the area where you live - or the area adjacent to where you live if you reside on or near to a border with another Local Authority (see contact details below).

Pupil Access Teams in Lancashire

North (Lancaster, Morecambe, Wyre and the Fylde)

Tel: Primary 01524 581112 Secondary 01524 581134

South (Preston, South Ribble, West Lancashire and Chorley)

Tel: Primary 01772 532190 Secondary 01772 531813

East (Ribble Valley, Hyndburn, Burnley, Pendle and Rossendale)

Tel: Primary 01254 220742 Secondary 01254 220718

February 2014