

RESPONSIBILITY FOR ADMISSIONS

As Wheelock Primary School is now an Academy, the school governing body is responsible for admissions and you should contact the school direct for further information regarding appeals. This guide applies to appeals to Wheelock Primary School ONLY.

APPEALS PANELS

Appeals Panels have either three or five members. There are strict rules on who may and may not be a member of an Admission Appeals Panel to make sure that the Panel is independent and impartial. A Clerk to the Panel also attends the hearing. The Clerk is a legal officer of the Council who is there to see that the appeal is heard properly and to provide legal advice to the Panel. An administrator also attends to take notes.

APPEALS HEARINGS

As the appeal process is a legal process, appeal hearings are formal hearings. However, Appeal Panels do try to keep appeal hearings as informal as they possibly can within the legal framework within which they have to operate. Appeal hearings are held, so far as possible, fairly local to your home town or area. First, one or more representatives from Wheelock Primary School will explain why it was not possible to meet your request for a place at the school. You can ask questions if you wish. The Panel will also ask questions. You will then have an opportunity to present your case and answer any questions about it from the Panel and the School's representative/s. No other parents will be present when you present your own case. You do not have to attend although many parents choose to do so. The Panel will allow you to be accompanied by a friend or to be represented although Government advice is that legal representation should not normally be necessary and that children should not generally be allowed to attend appeal hearings. Whilst Appeals can be considered on the basis of your written information alone, the presence of a parent or representative at a hearing will enable the Panel to obtain more information about a child's circumstances than is contained in written information alone. Such information, which a parent may not have considered to be relevant when he or she filled in the Appeal application form or submitted documents in support of the Appeal, could have a bearing on the outcome of the Appeal. If you are unable to attend the Appeal then it is important that you send in as much information as possible about your reasons for wanting a place at our school.

POWERS OF APPEALS PANELS

Panels can uphold all appeals and instruct our school to allocate a place for your child. They can uphold some of the appeals and reject others and they can also reject all the appeals.

Once all the appeals have been heard Panels must first decide whether further admissions to our school 'would prejudice efficient education or the efficient use of resources'. Prejudice cannot normally be proved until the year group your child would enter is full ie 30 pupils. This means that the year group has not only reached its admission limit but cannot accept any more pupils in that year group without prejudicing the provision of efficient education at the school or the efficient use of resources. The school will provide a statement giving its reasons why it considers that to accept further pupils would cause prejudice to the school.

If the Panel believes that the school can admit all the pupils whose parents have appealed without causing prejudice your appeal will automatically be upheld. The Panel may decide that places can be

allocated to some of the appellants before the point is reached when further admissions will cause prejudice. The Panel will decide how many more places can be offered. Any such places will be allocated by the Panel according to factors in the individual case.

If the school's case that further admissions will cause prejudice is accepted by the Panel (either as presented or after some further places have been allocated) the Panel will then proceed to the second stage.

This requires panel members to balance your own arguments in support of your child's admission against the extent of prejudice to efficient education and the efficient use of resources which it considers would be caused by the admission of further pupils. If the Panel believes that your child's circumstances outweigh the extent of the prejudice to the school your appeal will be upheld, otherwise your appeal will be declined.

APPEALS INVOLVING INFANT CLASS SIZES (RECEPTION, YEAR 1 AND YEAR 2 CLASSES)

There are separate and different rules for appeals which involve limiting infant class sizes to a maximum of 30 pupils. Apart from some very limited exceptions, no infant class may contain more than 30 pupils being taught by one teacher. Any admissions which would increase a class to more than 30 pupils would require the school to take what are called 'qualifying measures', such as organising an extra class, appointing an additional teacher, providing an additional classroom or introducing or extending mixed age group teaching.

When the school can show to an Appeals Panel that any further admissions would require qualifying measures, your appeal could only be upheld if the appeals Panel decided either that a mistake had been made in the allocation of places according to the admissions criteria which had deprived your child of a place and if the criteria had been applied correctly your child would have received that place, or the child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code and School Standards and Framework Act 1998, or that the decision not to offer your child a place was 'unreasonable' in the circumstances of the case. 'Unreasonable' as defined by the Courts is construed as being perverse or irrational and is a very high threshold for an appeal to be successful.

TIMESCALES

Appeals for Reception received by the closing date are heard within 40 school days. Other Appeals are normally heard within 30 school days (excluding school holidays) from the date the completed appeal form is received. You will be given the date and time of the appeal hearing two weeks in advance of the hearing and the school's statement of its case will be sent to you one week in advance. You will normally be notified of the Panel's decision in writing no later than 7 working days of the hearings being completed. DECISIONS OF APPEALS PANELS ARE FINAL AND BINDING ON THE SCHOOL.

SOME FURTHER INFORMATION ABOUT APPEALS

Repeat appeals – will not be considered within the same school year unless your own or the school's circumstances have changed significantly and materially since your first appeal (e.g. change of address).

Appeals for more than one school – will be considered at separate hearings. You may appeal for each school at which a place has been refused, but will need to complete a separate Appeals Form for other Community Schools and Church of England Controlled Schools (available from the LA)

Further steps – If, after the appeal, you are concerned the appeal did not comply with the Code or was set up incorrectly, and this affected the outcome of the appeal, you can complain to the Education Funding Agency (EFA) within six months of the date of the appeal hearing. The EFA will investigate the complaint on behalf of the Secretary of State if it considers there are sufficient grounds to do so. More information – A full guide to the appeal process can be obtained on the website: www.education.gov.uk (select academies then admissions/appeals).

Other sources of information can be obtained from:

Cheshire East Council Tel: 0300 123 5012 (particularly if you are also appealing for places in other Community or Church of England Voluntary controlled schools.)

Parents can also seek advice from the Advisory Centre for Education (ACE) in London which is a voluntary body providing a helpline advice service to the parents on education matters. The telephone helpline number is 0808 800 5793.

If you decide to appeal you are strongly advised also to seek a place at an alternative school in case your appeal is unsuccessful. Securing a place at an alternative school will not prejudice your right of appeal for any other school.