

Information for Parents on Admissions Appeals

This information relates to all Cambridgeshire Schools and Academies using the Council School Appeal Service

Completed electronic appeal forms should be sent to admissionappeals@cambridgeshire.gov.uk

If you have received a paper form please return it to: Admissions Team, Box Number OCT1221, 2nd Floor Octagon, Shire Hall, Cambridge, CB3 0AP.

Why preferences are not met.

If there are more applications received than places available at a school each Admission Authority must:

- rank all applications according to the school's published over-subscription criteria
- allocate places until the published admission number (PAN) has been reached (which is not normally exceeded) and
- place all unsuccessful applicants on to a reserve list in accordance with the published over subscription criteria.

Your right to appeal.

You are legally entitled to appeal against the Admission Authority's decision to refuse to comply with your preference. Your letter from the Admission Authority refusing you a place at your preferred school will advise you of this right.

You are entitled to submit one appeal per academic year. This can be done at any time during the year.

Do I have to pay a fee to submit an appeal?

There is no charge to parents for appeals.

Should I appeal?

Only you can decide if you wish to appeal against the decision not to allocate your child a place at your preferred school.

Can I appeal for more than one school?

Yes – you can appeal for places at all schools for which you have applied and been refused a place.

How do I appeal?

The process is quite simple. You need to tell the appeal panel why you wish to appeal by completing a simple appeal form which is available from the Admission Authority.

When you complete the appeal form, give as much information as you can. You will also have the opportunity to submit further information before your appeal. It will help if you are able to provide any documents to support your case and you are greatly encouraged to do so. For example, if you wish to appeal on medical grounds, a letter from your doctor would be helpful

How long will I have to wait before my appeal is heard?

If you want your appeal for a **transfer round** place (i.e. Year 7 or Reception starting next September) to be heard within the statutory deadlines you will need to return your request for an appeal by the date advised in your offer letter. Appeals arising out of on-time, Year 7 applications will be heard by 18 June 2019. Appeals arising out of on-time, Reception applications will be heard by 23 July 2019.

You are still able to submit an appeal, after the deadline has past. Your appeal will then be heard within 30 teaching days of receipt of the form requesting the appeal.

What happens next?

You will receive a letter inviting you to attend the appeal hearing. You will receive at least two weeks' notice of the appeal date. If you are unable to attend on the date offered, the appeal can be heard in your absence. If you request an appeal and do not tell us you are unable to attend your appeal will be considered in your absence. It is important therefore that you let us know if you wish to attend. You will also receive the following information:

- a copy of the Admission Authority's statement to the appeal panel and any supporting documentation;
- the reasons for not allocating your child a place at your preferred school;
- copies of all the documents you sent in support of your case; and
- copies of all letters sent between you and the authority regarding the application.

You can bring a friend or representative to help you present your case or simply sit with you to provide support. Arrangements can be made for an interpreter to be present if this would be helpful to you.

The Appeal Hearing.

Every effort is made to keep the appeal informal. At the start of the hearing the Chair of the independent appeal panel will introduce the panel members and explain the panel's role and how the appeal will be conducted.

The Independent Appeal Panel.

There are three people on the panel who are either:

- lay persons not connected to the Admission Authority who have no personal experience in the management of a school; or
- persons 'experienced in education' (e.g. retired head teachers) who are not connected to the Admission Authority or elected members of the County Council.

Clerk to the Panel.

A legal officer who is experienced in education law will be present to act as clerk and to advise the panel and ensure the correct legal procedures are followed. If you have questions on these matters you may also ask them at the hearing.

Admission Authority Representative.

A representative of the Admission Authority will be present to explain why your child was not offered a place at the school, that the admission arrangements were properly implemented in accordance with the School Admissions Code and School Standards Framework Act 1998 and how further admission to the school would be prejudicial to the provision of efficient education.

What happens at an Appeal?

The law requires an independent appeal panel to consider whether your child would have been offered a place if:

- the admission arrangements had been properly applied or;
- the arrangements do not comply with the mandatory requirements of the School Admissions Code or the SSFA 1998.

If they decide that your child was correctly not offered a place they must go on to consider if the admission of one more child to your preferred school would cause 'prejudice to the provision of efficient education or the efficient use of resources'. This means that they must decide whether admitting one more child to the school would have a negative effect on the school's ability to provide efficient education or to use its resources efficiently.

There are two types of appeal hearings: block appeals and individual appeals. Block appeals may be organised if there are other parents who are appealing for places at the same school and in the same year group. You will be told whether your appeal will be part of a block appeal when you are invited to attend the appeal.

Both appeals are heard by way of the same two stage process. If you are attending a block appeal, at stage one, you, and all other parents appealing for a place at the same school, will be asked to attend at the same time. If you are attending an individual appeal, only you will be asked to attend at stage one.

Stage One

The Admission Authority's representative presents its case. This will explain why the children were not offered places at the school and how further admission would result in prejudice to the provision of efficient education or the efficient use of resources. The appeal panel and parents will then be able to ask the Admission Authority's representative questions.

Parents and the Admission Authority's representative will be asked to leave the room while the panel determines whether or not the Admission Authority has proved that it would be prejudicial to admit more children to that year group. All parties will be invited back into the room to hear the decision of the panel at this stage.

If the authority has not proved prejudice your appeal will be automatically successful and the appeal hearing will end at this point.

Stage Two

If the panel finds that there would be 'prejudice' you will be invited to present your individual case, in private, to the panel at an allotted time. The Authority's representative and the members of the appeal panel may then ask you some questions about your case. The appeal panel will, having heard all the parents' cases, decide in private if your case outweighs the Authority's case against further admission.

Appeals heard in absence

If you are unable to attend for whatever reason and indicate that you wish your appeal to be heard in your absence the panel will come to a decision using only your written statement and the documents you and the authority have supplied. Therefore you will need to consider very carefully if it would be in your interest to attend or not.

What if my appeal is unsuccessful?

A parent may only have one appeal per school, per academic year. The decision of the panel is legally binding on both the parent and the Admission Authority. However, if you feel that since your appeal your circumstances have changed significantly then please contact the admissions team to discuss your case. We will advise you what documentation is required and decide whether the changes are significant enough to justify another appeal. The Admission Authority's decision on this is final.

If you do not wish your child to take up the school place that has been offered, you can make enquiries to see if there are any other schools that have places.

If you feel that the appeal or admission procedures have not been correctly followed you can complain to the Local Government Ombudsman. If the school you have appealed for is an Academy then your complaint would be directed to the Education Funding Agency. If you consider that the law was not applied appropriately, you may decide to go to court and ask for a judicial review. Neither of these processes are further appeal procedures but they may lead to your case being re-heard by another appeal panel.

Further Advice

Admissions officers are not able to offer further advice about your specific appeal as to do so would lead to a conflict of interests.

The Advisory Centre for Education (ACE) provides further information, and two booklets for parents on choosing a school and appealing for a school at www.ace-ed.org.uk.

Coram Children's Legal Centre run a telephone helpline offering free independent Family, Child and Education legal advice on 08088 020 088. They also have information and a free downloadable booklet listed on their website at www.childrenslegalcentre.com

Advice and information from the Local Authority can be obtained from the Parents' School Preference Adviser on 01223 699194 or email choosingaschool@cambridgeshire.gov.uk

If you would like a copy of this leaflet on audiocassette or in Braille, large print or other languages, please contact: Admissions Team – 0345 045 1370 or email admissions@cambridgeshire.gov.uk