DIOCESE OF Hexham & Newcastle
DEPARTMENT FOR EDUCATION

School admission appeals guidance for parents

This guidance explains how to appeal against the decision to refuse your child admission, the appeal process and what to expect at an appeal hearing.

Background

You, as parent or guardian, have the right to say which school you would like your child to attend.

On application you were asked to select three schools in order of preference. Each school selected would receive your application form and your child would be ranked according to their published admission criteria.

The Catholic Education Trust for your school is the admissions authority and has responsibility for admissions to this school. The admission authority of a Catholic voluntary aided school is the governing body. They make all decisions regarding admissions based on their published admissions criteria.

The admissions authority of each school must follow legal admission guidelines, they can only refuse your request if;

1. The school is full and/or there have been more applications than places available (their set planned admission number) and the admissions authority feels that to admit any more pupils to the school would affect the education of those already attending the schools.

2. The infant classes have already reached the legal limit of 30 pupils and if any more pupils were admitted the school would have to add additional accommodation and/or take on additional teaching staff in order to meet its duty to limit infant class sizes to a maximum of 30 pupils with a single qualified teacher.

Right of appeal

All parent(s), guardian or any person who has the actual custody of the child has the right to appeal;

- if you are not satisfied with the place offered by the local authority;
- against any decision made by or on behalf of the admissions authority refusing your child a place.

However, if a child has been permanently excluded from two or more schools the parent's right is effectively suspended for two years following the most recent exclusion.

Parents/guardians who have appealed unsuccessfully cannot re-apply and subsequently appeal again for a place at the same school in the same academic year unless there are significant and material changes in circumstances. Documentary proof of such changes will be required. This is outlined in the national School Admissions Appeals Code.

Children with an education, health and care plan or a statement of special educational need

With regard to a child with an Education, Health and Care plan or a statement of Special Educational Need, or a child undergoing a statutory assessment of Special Educational needs, decisions regarding placements are made by the local authority through the statutory assessment and review procedure. Parents still have a right to appeal against the local authority's decision; however, the appeal is heard by the Special Educational Needs and Disability Tribunal and not the admission appeals panel.

Children with a disability

If you believe your child has been refused a school place because of his or her disability, you have a right of appeal as this is unlawful under disability legislation. Schools and admission authorities must not discriminate against a disabled child in the arrangements they make for determining admission to school. The appeal panel will take into account the Equality and Human Rights Commission's guidance in their Code of Practice for Schools. They must, along with their usual deliberations, consider whether the pupil has been refused admission for a reason that relates to their disability.

How to appeal

An appeal can only be made after you have received written confirmation refusing your child a place at your preferred school. If you wish to appeal against the decision you should complete the written notice of appeal form (provided by the school) and send it to the chair of governors at the school address. **All appeals must be in writing**.

The notice of appeal can only be lodged after the written confirmation of the refusal to the school and should be received by the school within 30 days for first entry admissions and 14 days for casual admissions (admissions outside of the normal annual process).

The notice of the appeal must include:

- the name and address of the child
- the decision against which the appeal is made
- the grounds upon which the appeal is made
- the name and address of the person making the appeal
- if the appellant wishes to be represented including the name and address of the representative (if applicable)

When filling in the form you should, in support of your case, give all the reasons why you do not agree with the decision.

It should be noted that this notice of appeal form should only be used in an appeal against refusal to a Catholic school and should not be used when appealing against refusal to a community school.

If you have any medical evidence to submit as part of your reasons for appeal it is necessary to enclose a doctor's letter with your notice of appeal to confirm the medical position. The LA may, with your permission, seek to confirm any medical submission by having the child examined by a school medical officer and a report made available to the panel.

In accordance with published arrangements for admission to schools your home address should be shown on the notice of appeal. The address of child minders or other family members who may share in the care of your child should NOT be used.

If your appeal involves a house move it is in your own interest to provide appropriate evidence of your move to the new address. This should be either confirmation in writing from your solicitor or some other proof that contracts have been exchanged.

You may wish not to attend the appeal hearing. In this case you should say so on the notice of appeal form. If you want a friend or solicitor to state your case for you at the hearing, you should complete the necessary section on the notice of appeal. If you are unable to attend, you may wish to make a further written statement explaining the reasons why you are making the appeal. Additional statements will be read by the appeal panel and will be considered in making their decision.

Should you choose to be represented you must make the necessary arrangements and meet any costs incurred.

You have the right to request an interpreter to be present at the hearing and translation of the appeal papers into a language other than English. Provisions will be made available for those with disabilities, such as disabled access or hearing loop. Any provisions required should be indicated on the Notice of Appeal Form.

It is your right to attend the hearing to state your case and you are strongly advised to do so.

Late appeals

Appeals which are sent in late are not normally accepted, but if you do not return your appeal form within the 30 days' time limit, due to exceptional circumstances, you should return your completed notice of appeal as soon as possible with a covering letter explaining why your appeal was late. This will then be assessed, and a decision will be made as to whether your appeal will be allowed to go ahead or not.

What happens next?

Any appeal lodged will be acknowledged and an appeal hearing will be arranged by the clerk of the appeal committee and you will have at least 14 days notice in writing before your hearing.

At least seven days before the appeal you will be sent a written statement summarising the reasons for the decision to refuse admission, the application of the admissions policy and a copy of everything you have sent to support your appeal.

You are entitled to attend the appeal hearing and may be accompanied by a friend or be represented at the discretion of the appeals committee.

Who will hear my appeal?

An appeal panel provides an independent decision as to whether the admissions authority (the governing body) followed their procedures correctly and made the correct decision.

An appeal panel will consist of three or five members previously selected by the governing body from an approved Diocesan list.

On this panel at least one member will be;

• a lay member (a person 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)

• a non-lay member who has experience in education, acquainted with education in the local area or be a parent of a registered pupil School Standards and Framework Act 1998 (paragraph 2 of Schedule 24)

All selected members are independent from the school and have no involvement in the decision that was made.

The appeal procedures

If you have opted to attend the hearing it is appreciated it can be an anxious occasion, especially as it involves the future of your child's education.

As a result, the appeal panel and its clerk (who acts as adviser to the appeal panel on law and procedure) will try to keep the hearing as informal as possible.

The following members will be present with you (the appellant) during the hearing;

• three or five panel members

• clerk to the panel

• school representative(s)

It is advised that you arrive in good time so that you may gather your thoughts. If you do not arrive at the time, you have been given the appeal may proceed without you.

Preparing for the appeal hearing

You should read through the documentation you were sent and make notes of any questions that you wish to ask or anything that you do not understand or you do not agree with.

You do not have to attend the hearing, and your appeal can be considered from the written reasons you have given. However, it is strongly recommended that you attend so that you can give detailed explanation of your reasons for your appeal. Appeal panels usually ask questions about what you have written. It can be difficult for them to make the best decision without all the information.

The appeal hearing

Firstly, a representative of the governors will present the case for the school to the appeal panel followed by an opportunity for questioning by the panel and yourself.

Secondly you, or your representative, will address the appeal panel and shall be subject to questioning by the representative(s) of the governors and the panel.

The governor's representative will sum up their case for the school, and you will be invited for any further comments. You and the school representative(s) will retire, and the appeal panel will consider its decision.

Do not be afraid to ask about everything you do not understand or do not agree with.

How is the decision made?

The appeal panel shall consider;

- any preference expressed by the appellants for the school their child should attend;
- the published admission arrangements;
- such other matters as the appeal panel considers relevant.

In the event of a disagreement between the members of the appeal panel the appeal shall be decided by a simple majority votes cast and in the case of equality of votes the chairperson of the panel shall have a second or casting vote.

The decision of the panel, and the grounds on which it is made, will be communicated by the clerk of the panel in writing.

The decision of the appeal panel is binding on the governors of any school at which the appeal panel determines that a place should be offered to the child.

What if my appeal is successful?

Your child will be offered a place at the school, and you will be advised what to do. Should there be any concerns please contact the school to discuss admission arrangements.

What if my appeal is unsuccessful?

The decision of the appeal panel is binding on parents, the local authority and schools. The Diocesan Director of Education, local authority Director of Children's Services, city councillors or even Members of Parliament cannot change the decision.

Contact the admissions team of your local authority for advice about getting a place at another school

Contact the school to check whether there is a possibility to include your child's name on a waiting list. It is worth noting that children are ranked on the waiting list according to the admission criteria and children can move up and down waiting lists.

The law states that if your circumstances change significantly, you may be allowed to re-apply and submit another appeal. If you think this is the case, you should contact the admission team for advice as to whether this applies to you.

If you feel that the appeal panel have not followed procedures, you can contact the Local Government Ombudsman

How to Complain - Local Government and Social Care Ombudsman