

Secondary Schools & Academies

Guidance notes ~

How to appeal for a place at your preferred secondary school and what happens when you do

The School Standards and Framework Act 1998 allows you the right to appeal to an Independent Admissions Appeal Panel which has the power to direct an admission authority to make places available at a school.

Admission appeals are against the decision of the admission authority not to allocate a place at a particular school or academy. The admission authority for all Lancashire community and voluntary controlled schools is the Local Authority. The admission authority for each voluntary aided or foundation school and academy is the governing body of that establishment.

Please note that if your child has a statement for Special Educational Needs / EHC Plan, the appeal is 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 (Telephone 01524 581200) for a Tribunal booklet and further information about the Tribunal process.

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

1. All appeals must be in writing

Enclosed with these notes is an Appeal Form. If you wish to appeal against the admission authority decision not to offer a place for your child at your preferred school or academy you must fill in this form and return it without delay (see page 7 for address details).

2. Why a school place was refused

The schools / academy (ies), which you would have preferred had already been filled up to their published admissions number(s) in accordance with the published admission policy (ies). Places were allocated to other applications who had higher priority under the published admission arrangements. **Independent Appeal Panels may allocate additional places (see paragraph 7).**

3. What to put in your appeal

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 / academy. If you wish, you can appeal for more than one school / academy.

You should provide any additional information in support of your appeal which you feel is relevant and this should 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 / academy. You may if you wish provide a doctor's letter or other independent written information to support your case.

Please note that if you refer to such written information but do not produce it beforehand it may not be considered by the Independent Appeal Panel.

If you present additional information at your hearing (which has not previously been seen by any of the other parties) then this may not be accepted e.g. confirmation of address change or medical and other supportive letters.

If the new information is substantial then the independent admission appeal panel and/or Local Authority may request a short break or even a deferral of your hearing, to allow time to properly consider your case. The panel are not bound to accept new information or evidence on the day of your hearing so it is strongly recommended that all relevant information is provided in advance with your appeal form.

If you request substantial information from the presenting officer at the hearing (without adequate prior notice) then a short break or deferral may be necessary.

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

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

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. If you bring evidence to the hearing the independent panel will decide whether or not this is sufficient to accept the new address for the purpose of hearing your appeal.

Evidence of a house move requires a written solicitor's confirmation of any exchange of contracts. Rental and lease agreements may be submitted although 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.

If you are appealing based on an address which you will imminently move to, then you must provide written evidence before or at the appeal hearing. If you cannot, then your hearing may be deferred or, if it proceeds, will be based on your existing address.

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 / academy (eg 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 advised that you raise any procedural issues about the allocation process and your application with the Local Authority and / or admission authority 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 / academy 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 yours.

The case presented for any school / academy may however vary between year groups. This will be explained in the appeal information and prior to and/or at the hearing.

Independent appeal panels will, therefore, make individual decisions for each appeal even where siblings are appealing for the same school / academy. This means that it is possible for decisions for each child to vary.

4. What happens next?

Your appeal form will be forwarded by the admission authority to the Office of the Chief Executive (Appeals and Complaints Team) who will issue 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 admission authority which will give the reasons why your child was not allocated to your preferred school / academy. 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 appeal 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 of your case which are unclear. 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 admission authority, giving the reasons why your child was not allocated to your preferred school / academy (there may sometimes be a witness present [see b, d]).

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 (see section 7 - The hearing).

It is however, strongly recommended that you attend the hearing.

6. Presenting your case

The hearing is **not** like a court case. Generally hearings last up to 30 minutes and are informal in nature. If you need longer to present/clarify your case, then this will be allowed. Venues are usually local. The intention is not to discuss points of law but for the panel to balance the strength of the relative cases in reaching their decision.

You are able to present any information which you feel is relevant to your case and circumstances. If on the day of the appeal you present new information without any evidence there is the possibility that the hearing may be delayed or deferred in order for this to be properly considered, e.g. if you refer to a bullying issue at your child's current or previous school / academy you should provide evidence or else the hearing may be delayed or deferred.

7. The hearing

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. This may include a locally elected politician or an employee of the Local Authority e.g. a social worker (as long as this is not considered to lead to a conflict of interests).

Where appeals are for pupils above statutory school age then the parents and pupil may both attend the appeal hearing or may decide that only one party wishes to attend.

For pupils above statutory school age both the pupil and parents have appeal rights. Where both decide to appeal separately then the appeals will be heard together at a joint hearing leading to a single decision which is binding on all parties.

Please note that:-

- **If a signer or interpreter is required at your appeal hearing, you would need to make your own arrangements for an interpreter to be present to act on your behalf.**
- **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.**

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.

The following people will be in the room:

- (a) A Panel of three people who are lay persons and persons experienced in education. These people are acting **independently** of the admission authority and have no connection with the school / academy for which you are appealing or the school / academy which is your current offer. These are the people who will make the decision about your appeal;
- (b) A Clerk, who is usually from the Office of the Chief Executive (Legal Services Group), will advise the Independent Appeal Panel about the law and procedures and who will also take notes of the meeting;
- (c) A Presenting Officer from the admission authority who will present the case for the school or academy for which you are appealing).
- (d) The Head teacher of the school / academy which you are appealing for may be present (or may send a representative).

The presenting officer for the admission authority will explain why a place at your preferred school / academy 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 / academy which has been allocated and you may also be asked questions.

8. The Independent Appeal Panel's decision

The independent admission appeal panel will initially hear the case from the admission authority.

If they decide that this is not sufficiently strong to prove that prejudice would occur in relation to additional admissions, then they may decide that the case is "not proved". In these circumstances all appellants would be allocated places at the school / academy without individual parents having to present their cases.

If you are the first appellant on a particular day then you may be present for this initial discussion. The panel may ask that you and the presenting officer (plus any witnesses) leave the room if they wish to debate the strength of the admission authority's case prior to deciding how they wish to proceed.

On most occasions however the Independent Panel will proceed to hear all parental cases for the school / academy being appealed for. They will not make any decisions until every parent's individual case has been heard.

You will not be present when they make their decisions and neither will the admission authority or any witnesses. Only the independent clerk will remain with the panel and he/she will have no role in their decision making about your appeal.

The panel will balance the strength of each parent's case against the case made by the admission authority for no more admissions to the school / academy. They can allow every case or none at all (or anything in between).

If they allow your appeal then the school / academy place must be accessed without delay. If this does not happen then you may receive a reminder letter giving you seven days' notice to confirm that you still want and will access the available place. Places will be withdrawn if they are not accessed promptly following a successful appeal.

If your appeal is refused, the school / academy offer already made will be confirmed (subject to any other outstanding appeals which you may be awaiting). You will get an initial, brief, decision letter which will be followed up at a later date by a letter giving further details for the admission appeal panel's decision to refuse your appeal.

The decisions of Independent Admission Appeal Panels are legally 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. Decisions cannot be confirmed verbally via telephone.

10. Offers of school places

Please note that in relation to annual Year 7 intake offers for school / academy places only a written offer from the home Local Authority is legally valid.

For Lancashire secondary schools and academies the only legally valid offers for Year 7 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 have liaised with Lancashire to reach agreement prior to confirming an offer for a Lancashire secondary school / academy place. Any other offers for a Lancashire secondary school or academy – verbal, email or in writing – are invalid and do not apply. Offers from any school / academy or from another local authority without Lancashire's agreement are also invalid.

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

If you are in receipt of an offer of a school / academy 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 outside of Lancashire (see contact details below).

Where to return your appeal form

Voluntary Aided and Foundation schools, Free schools and Academies	Community and Voluntary Controlled schools
You must return your appeal form (s) direct to the voluntary aided or foundation school, free school or academy for which you are appealing.	You must return your appeal form (s) to the Area Pupil Access Team in the area where you live (see page 7).

Area Pupil Access Team contact details

If you are appealing for a place at a Community or Voluntary Controlled school, please complete and return your form (including any supporting documentation) to the Area Pupil Access Team in the area where you live.

<p>If you live in the Lancaster, Morecambe, Wyre or Fylde area ~</p> <p>North</p>	<p>Area Pupil Access (North) Education Offices White Cross Centre Quarry Road Lancaster LA1 3SE</p> <p>☎ (01524) 581148 ✉ pupilaccessteam.north@lancashire.gov.uk</p>
<p>If you live in the Preston, South Ribble, West Lancashire or Chorley area ~</p> <p>South</p>	<p>Area Pupil Access (South) Room C37 County Hall Preston PR1 0LD</p> <p>☎ (01772) 532109 ✉ southadmissions@lancashire.gov.uk</p>
<p>If you live in the Hyndburn, Ribble Valley, Burnley, Pendle or Rossendale area ~</p> <p>East</p>	<p>Area Pupil Access (East) 44 Union Street Accrington BB5 1PL</p> <p>☎ (01254) 220747 ✉ pupil.accesseast@lancashire.gov.uk</p>

If you are appealing for a voluntary aided or foundation school or free school or academy, please send your appeal form direct to the school.

*Pupil Access Team
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