APPENDIX 7

EDUCATION APPEALS OFFICE

A GUIDE TO EDUCATION ADMISSION APPEALS

Includes:

- On-time transfer appeals;
- Late transfer appeals;
- Mid-year transfer appeals, and
- Infant class size appeals

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Table of Contents

	Page
Introduction	**3**
Your Rights	**3**
Where to send your appeal form	**3**
Types of Appeal	**4**
Important Deadlines	**5**
Completing the appeal form	**6**
What happens next?	**7/8**
Who will be at the appeal hearing?	**9**
What happens on the day?	**9/10**
What happens after the hearing?	**11**
Further Advice and Useful Websites and Telephone Numbers	**12**
Translation Services	**13**
Frequently Asked Questions	**14/15**

Introduction

We understand that going through the appeal process can be a worrying and anxious time for you and we hope that the information contained in this guide will simplify the process for you. It will take you through the process and explain what happens at each point and what you need to do.

Your Rights

You have the right to appeal for places at all schools for which you have applied and been refused a place. This right of appeal does not apply if your child has been permanently excluded from two schools.

You can only appeal once in every academic year unless there has been a significant change in your circumstances. If this is the case you need to reapply for a place at the school and be refused before you can appeal. You can only appeal for the year group for which you have been refused.

If your child has a Statement of Special Educational Needs or Education Health & Care Plan (EHC) your appeal needs to be directed to the First-tier Tribunal (Special Educational Needs & Disability). Please visit their website at: www.justice.gov.uk

Where to send your appeal form

We cannot be held responsible for forms that do not arrive on time; that are lost in the post; that are sent or delivered to other locations.

Your completed form should be marked "Private and Confidential" and returned to:

Education Appeals Office
P.O. Box 579
Ipswich
Suffolk
IP1 2BX

Please do not assume that a first class stamp will ensure delivery the following day. If you are close to a published closing date consider using a suitable guaranteed means of delivery – ask at your Post Office.

Types of Appeal

On-time intake or transfer appeals
These are where your child is entering:

- Reception year
- Year 5 in middle school
- Year 7 in high school
- Year 9 in upper school

and where we have received your appeal form on or prior to the published closing date.

Late intake or transfer appeals
These are where your child is entering:

- Reception year
- Year 5 in middle school
- Year 7 in high school
- Year 9 in upper school

and where we have received your appeal form after the published closing date.

Mid Year appeals
These are where you wish your child to move schools during other times in the academic year, i.e. because the family has moved house. These appeals have no published closing date and are heard throughout the year.

Infant Class Size / Future Infant Class Size appeals
These types of appeal can apply to applications for Reception, Year 1 and Year 2 (Key Stage 1), i.e. any class in which the majority of children reach the age of 5, 6 or 7 during the school year. Such classes cannot contain more than 30 pupils with a single qualified teacher. Not all appeals involving these year groups are Infant Class Size but they may have to be considered as such under Future Infant Class Size law. If infant classes further up the school are arranged in such a way that Infant Class Size law may be breached in future year groups. **Your refusal letter from the admission authority will tell you whether or not your application has been turned down because of Infant Class Size / Future Infant Class Size legislation.**

There are very limited chances of success for Infant Class Size appeals. The panel can only offer a place where it is satisfied that:

a. The admission of additional children would not breach the infant class size; or

b. The admission arrangements did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or

c. The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

In order to determine whether it was "unreasonable" to refuse admission to your child, it must be satisfied that the decision was **"perverse in the light of the admission arrangements".**

For example – it was "beyond the range of responses open to a reasonable decision maker" or "a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it".
In other words: a decision that makes it impossible for you to transport all your family to school on time, or even impossible for you to continue working, is very unlikely to be perverse. The courts have established this.

Important Deadlines

On-Time intake or transfer appeals for the **Primary** round
The published closing date for on-time intake or transfer appeals is **Tuesday 17th May 2016**. Appeals received on or before this date will be heard within 40 school days.

Late intake or transfer appeals for the Primary round
If you miss the published closing date, we will try to hear your appeal with the on-time appeals for that school. If this is not possible, it will be heard at a later date.

On-Time transfer appeals for the **Secondary** round
The published closing date for on-time intake or transfer appeals is **Wednesday 13th April 2016**. Appeals received on or before this date will be heard within 40 school days of the published closing date.

Late transfer appeals for the Secondary round
If you miss the published closing date, we will try to hear your appeal with the on-time appeals for that school. If this is not possible, it will be heard at a later.

Mid-Year appeals
All mid-year appeal applications will be heard within 30 school days of the form being received by us.

Completing the appeal form

If you are appealing for more than one school, you must complete separate forms.

Please take the following information into account when you complete the form:

- Complete the form clearly and ensure that you provide the information requested. If you fail to do so, it may result in delay in processing your application.

- Your "reasons for appeal" are very important as this tells the Panel about your child's case. **This section must be completed. If it is not, the form will be returned to you.** Explain, as fully as you can, the reasons why you want your child to attend the school that you have been refused. If you think your application for a place at the school has not been treated correctly or in accordance with the admissions criteria, then you should explain why you think this is the case.

- If there are medical issues involved, it is important that these are supported by written evidence, i.e. doctor's letter.

- If your case is based on a house move, you should provide written evidence to confirm this. For example, a letter from your solicitor or a copy of your tenancy agreement.

- You may also include other relevant letters, correspondence, reports or documents to support your case.

- Please do not wait until you have all your supporting evidence before you send your form to us as this may delay the processing of your appeal. Supporting evidence can be sent in later.

- If, for any reason, you do not attend the appeal hearing the Panel will make a decision based upon your written submission.

- Please make sure you sign and date your form.

- Please send the completed form **to the address stated on page 3.**

What happens next?

- When your completed form is received by the Education Appeals Office it is date-stamped and given a reference number.

- We then acknowledge receipt of your form. This will be done by email if you have provided us with your email address, or by post. This acknowledgement will include your reference number.

- We then have to inform the admission authority that we have received your appeal application.

- We liaise with the admission authority to set up appeal hearing dates that comply with statutory timeframes.

- If we have more than one appeal application for the school in question, we will timetable all those appeals to be heard at the same appeal hearing if possible.

- Once we have a date agreed we have to organise an Independent Appeals Panel, a Clerk and a suitable venue.

- We will write to you 10 school days before the hearing date to advise you of the date, time and venue of your appeal hearing. We try to take into account any days that you may have indicated are inconvenient, but given the numbers of appeals we receive and other factors this may not be possible. Our letter will give you a deadline by which we can accept additional supporting evidence in the office. A deadline is necessary because of our printing deadlines and the fact that we need to send paperwork out to all parties within a statutory timeframe. **If you cannot get your additional supporting evidence to the office by this deadline date, you may take it with you to the appeal hearing - (please take 5 copies). However, please bear in mind that in these circumstances it is up to the Panel to decide whether any material not submitted by the specified deadline is considered. They will take into account its significance and the effect any possible adjournment may have on the hearing.**

- The admission authority will be working to produce their case and this will be sent to us before our next letter to you.

- All necessary paperwork is collated and printed.

- We will write to you again approximately 7 days before the hearing date. Our letter will include all the paperwork necessary for the hearing to take place. It will include your form and any supporting evidence; the school's case; a list of the panel members, clerk, presenting officer from the admission authority and possibly a representative from the school and other information. This paperwork is also sent to the admission authority, school, panel and clerk. If you know any of the panel members listed there may be a conflict of interest, please contact the Education Appeals Office immediately to discuss.

- The Education Appeals Office is made up of a small team who will be very busy processing appeals to make sure they are heard within the statutory timeframes. Unless you have not received an acknowledgement from us within 10 working days, **please do not contact the office for your appeal date, we do not give dates out over the telephone**.

- If you have indicated on your form that you **will be** attending the appeal hearing and you subsequently find that you cannot, please let the office know. If you fail to attend when you have indicated that you will and we have not heard from you, the Panel will consider your written case in your absence.

- If you have indicated on your form that you **will not be** attending the appeal hearing and you subsequently find that you can, please let the office know so that we do not deviate from the agreed timetabling.

- If you have agreed to waive your rights to 10 school days' notice of your appeal hearing date, this means that there <u>may</u> be a possibility of hearing your appeal earlier than otherwise possible. This is because timetables are constantly being amended due to appeals being withdrawn or settled and it may be possible to add other appellants to a timetable.

Who will be at the appeal hearing?

- You and anybody else you have indicated you wish to bring along for support.
- If you cannot attend, your representative if you have indicated you will send one
- 3 Panel members
- The clerk
- A presenting officer from the admission authority and possibly a representative from the school in question

On occasion there may be an observer at the hearing. This may be somebody who is in training as a clerk or panel member. They will take no part in the hearing or the decision making.

What happens on the day?

- Please arrive at the venue promptly (and preferably 5-10 minutes early) and report to the reception area.

- There may be other parents there appealing for the same school or other schools.

- The Clerk will meet you and will explain what will happen during the appeal hearing. The Clerk will also answer any procedural questions you may have. If you have any additional supporting evidence that you wish the Panel to consider, please hand your 5 copies to the Clerk at this time.

- All parents appealing for the school in question and the school's representative(s) will be invited into the appeal room. The Chair of the Panel will introduce the Panel members and will try to put you at your ease.

<u>Appeals excluding Infant Class Size / Futre Infant Class Size</u>

- The appeal hearing will begin with Stage One. If there is more than one appeal for the school in question, all parents will attend this part of the appeal hearing. The school representative is invited to explain to the Panel why they have had to refuse a place at the school. The panel will check whether a mistake was made in applying the admission arrangements and if the school could take extra pupils without prejudice to the provision of efficient education or the efficient use of resources. They will also consider whether the admission arrangements are lawful. The Panel then has the opportunity to question the school representative and will invite you (and any other parents) to do the same. If you have any questions regarding the

school's case this is the time to address them. Any questions regarding your personal case wait until Stage Two.

- When Stage One is complete, you (and any other parents) and the school representative(s) will be asked to leave the room.

- The Clerk returns to the appeal room and the Panel has to decide whether or not the school has made its case.

- Once a decision has been made, the Clerk will ask you (and any other parents) and the school representative(s) to return to the appeal room and the decision will be announced.

- If the decision at Stage One is that the school has not made its case, it may be that you are offered a place at this point.

- If the decision at Stage One is that the school has made its case, the appeal hearing goes to Stage Two.

- Stage Two is your own personal and private meeting with the Panel. You will be asked to put your case forward in whichever way you find easiest. You may wish just to highlight the important points of your written case; you may wish to read out your written case or you may wish somebody else to read out your written case.

- The Panel will ask you questions about your case and the school representative may also ask you questions.

- The Chair will make sure that you have covered all points that you wanted to make and will ask you if you feel you have had the opportunity to fully put your case to the Panel.

- At the end of Stage Two you and the school representative will be asked to leave the room. This is the end of your participation in the appeal hearing. You are now free to leave.

- If there are other parents appealing for the school in question, they will have their Stage Two hearing.

- When all parents have completed Stage Two, the Clerk returns to the appeal room and the Panel makes its decisions.

- You are not told the outcome of your appeal on the day.

Single Infant Class Size / Future Infant Class Size Appeals

- The appeal hearing will begin with the Admission Authority's representative explaining the reasons why your child cannot be admitted to the school.

- The Panel then has the opportunity to question the school representative and will invite you to do the same. If you have any questions regarding the school's case this is the time to address them.

- You then explain your case.

- The Panel then has the opportunity to question you and will invite the Admission Authority's representative to do the same.

- You and the Admission Authority's representative will then be asked to leave the room. This is the end of your participation in the appeal hearing. You are now free to leave.

- The Clerk returns to the appeal room and the Panel will then make their decision.

- You are not told the outcome of your appeal on the day.

Multiple Infant Class Size / Future Infant Class Size Appeals

- The appeal hearing will begin with the Admission Authority's representative explaining, to all parents appealing, the reasons why no more children can be admitted to the school.

- The Panel then has the opportunity to question the Admission Authority's representative and will invite you (and any other parents) to do the same. If you have any questions regarding the school's case this is the time to address them.

- You and any other parents and the Admission Authority's representative then leave the appeal room while the Panel consider the school's case.

- You will then be invited back into the appeal room for your individual and private appointment with the Panel to explain your case.

- The Panel then has the opportunity to ask you questions and will invite the Admission Authority's representative to do the same.

- You and the Admission Authority's representative will then be asked to leave the room. This is the end of your participation in the appeal hearing. You are now free to leave.

- The other parents will have their appeals heard in private.

- When all parents have had their appeals heard, the Clerk returns to the appeal room and the Panel will then make their decisions.

- You are not told the outcome of your appeal on the day.

What happens after the hearing?

- The Clerk has 5 school days from the end of the appeal hearing in which to write to you with the Panel's decision and reasons for their decision. A copy of this letter is sent to the school in question and the admission authority.

- The Panel's decision is binding on all parties and cannot be overturned except by a Court where the appellant or admission authority are successful in applying for Judicial Review of that decision

Further Advice and Complaints Information

The Education Appeals Office is unable to offer personal advice about your child's appeal. We can however discuss procedures, administration and legislation and can be contacted at educationappeals@suffolk.gcsx.gov.uk or by telephone on 01473 264219 or 264218.

For information regarding availability of school places and waiting lists, please contact the local authority **Admission Team** on 0345 600 0981.

The internet is probably the best place to gather further information and we recommend that you begin by visiting the **Advisory Centre for Education** (ACE) website at www.ace-ed.org.uk or by telephone on 03000 115142.

For more local advice, **SENDIASS** (formerly Parent Partnership Service) offers a confidential helpline for parents in Suffolk who have questions or concerns about their child's education. Helpline: 01473 265210.

Coram Children's Legal Centre advice line offer free legal advice on English law and policy affecting children and families. Helpline: 08088 020008.

If you want to find out more about the Admission Appeals Code you can visit the **Department for Education** website to view the code at www.education.gov.uk.

The **Local Government Ombudsman** can investigate written complaints about maladministration on the part of a panel hearing appeals for a maintained school (not an Academy). This is not a right of appeal. Maladministration covers issues such as a failure to follow correct procedures or a failure to act independently or fairly – **not complaints where a person simply feels that the decision taken is wrong.**
Contact details as follows:

Web: www.lgo.org.uk
Helpline: 03000 610614
Address: P.O. Box 4771, Coventry, CV4 0EH

This function is fulfilled by the **Education Funding Agency** (EFA) for complaints regarding Academy appeals.

Web: www.gov.uk/schools-admissions/appealing-a-schools-decision.

Translation Services

This leaflet can be produced in other languages and formats.

We will translate this leaflet into another language if you ask us to.

"سنقوم بترجمة هذا الكراس لك الى لغة اخرى اذا طلبت منا ذلك"	**Arabic**
আপনি যদি আমাদেরকে বলেন তাহলে আমরা এই লিফলেটটি অন্য ভাষায়	**Bengali**
如果你有需要，我們可以把這份單張翻譯成另一種語言	**Chinese**
"જો તમે એવી માંગણી કરશો તો અમે આ પત્રિકાનો બીજી ભાષામાં અનુવાદ કરી	**Gujarati**
"ئێمە ئە م ناميلكە يە ت بۆ وە ردە گێرينە سە ر زامنێكى كە ئە گە ر دوا بكە يت"	**Kurdish**
Na życzenie przetłumaczymy niniejszą ulotkę na inny język	**Polish**
Contacte-nos, caso deseje este folheto traduzido para outra língua.	**Portuguese**

Please contact 01473 264219 or 264218 for further help.

Frequently Asked Questions

Q. Do I have to pay for the appeal?

A. There is no charge to parents for appeals.

Q. Can I ask the panel to contact anyone, such as my doctor or social worker, to confirm what I have said on my form or at the hearing?

A. No. You are responsible for making sure that the panel has any written supporting evidence at the hearing.

Q. How long will the hearing take?

A. This is difficult to say, however, generally for mid year appeals both Stage One and Stage Two take about half an hour each. In multiple intake or transfer appeals, Stage One could take 45 minutes to an hour and Stage Two about 30 minutes; but it really depends on the complexity of the cases being heard.

Q. Can I bring a friend to the appeal hearing?

A. Yes, you can bring somebody with you either to support you or to speak on your behalf.

Q. Do I have to bring my child with me?

A. No. None of our venues have facilities for children and attendance at the appeal hear may be an unauthorized absence from school and a possible distraction at the hearing.

Q. Where are appeals heard?

A. At suitable independent and accessible across the county.

Q. When are appeals heard?

A. Weekdays between 9am and 5pm, term time only.

Q. I am appealing for other children. Will their appeals be heard on the same day?

A. We do our best to hear the appeals on the same day. However, this is not always possible.

Q. Can I change the date or time of my appeal?

A. We are not usually able to accommodate changes to timetabling for a variety of reasons including statutory timeframes or numbers of appeals.

Q. What should I do if I change my mind about appealing?

A. If you decide to withdraw your appeal, please let the Education Appeals Office know as soon as possible – 01473 264219 or 264218.

Q. Do I need to instruct a solicitor to represent me at the appeal hearing?

A. There really is no need. All Panel Members are independent and fully trained. They are used to talking to parents and will do their best to put you at your ease. However, if you feel it necessary, you may be represented by a solicitor.

Q. Who will represent the school?

A. If you are appealing for a local authority school, a representative from the local authority will present the school's case. There may be a representative from the school who will be there to answer very specific questions in connection to the school's practices.

If you are appealing for a Roman Catholic or Church of England school, a representative of the school and/or governing body will attend.

If you are appealing for an Academy, either a representative of the academy trust and/or a representative of the school will present the school's case.

Q. We are currently living abroad/outside of Suffolk. Can we send somebody to represent us?

A. Yes. Contact the Education Appeals Office on 01473 264219 or 264218 for further advice.

Q. My child's name is on a waiting list. Will my appeal affect my child's place on that list?

A. No. If your appeal is unsuccessful your child's name will stay on the waiting list. For further information about waiting lists please contact your local area office.

Supported by

Suffolk County Council