

Sheffield
City Council



School Admission Appeals –

A Guide for Parents & Carers

Children, Young People and Families

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Introduction

We realise that parents often find an appeal stressful because of the importance of the decision.

These notes are to help you understand what will happen in the appeal and your rights as a parent or carer.

Help with your appeal and contact numbers

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|---------------------|---------------------------|
| Legal & Governance | 0114 273 4008 |
| The Admissions Team | 0114 273 5766 or 273 5790 |

You can ring any of these numbers to ask any questions about the appeal.

As telephone lines can be very busy you may also wish to send your enquiry by email to ed-admissions@sheffield.gov.uk

Please note that whilst Officers are happy to provide advice and guidance about the Appeal procedure, the Authority will be presenting a case at the appeal against any further admissions to the school. You may wish to also seek independent advice from **The Advisory Centre for Education (ACE)** at www.ace-ed.org.uk

We will aim to meet all statutory deadlines as follows:

- With regard to any appeal for Year 3 and Year 7 that is made on time for September transfer we will aim to arrange for your appeal to be heard within 40 schools days of the last date for lodging appeals.
- Appeals for In-Year transfers for all year groups will be heard within 30 school days of the appeal being received.
- You will normally receive at least 10 school days' notice of the time and date of your appeal.
- You will receive all relevant papers including the case for refusing your application a reasonable time before your hearing. In Sheffield we usually aim to provide them 4 school days before the hearing
- The clerk to the Independent Appeal Panel ("the Panel") will inform you of the Panel's decision by letter. The letter will be posted as soon as possible after the hearing but not later than 5 school days, unless there is good reason.

Your right of appeal

The School Standards and Framework Act 1988 confirms your right to appeal to a voluntary independent panel against any decision to refuse a place at any of your preferred schools. This could be for a maximum of three schools.

The Panel is legally constituted and has the power to make a decision that is binding on the school and parents. It can overrule the decision to refuse a place even if the

Authority claims that the school is full, equally it can refuse appeals made by parents due to the school's circumstances.

At the hearing you will be given the opportunity to tell the Panel why you feel your child should be admitted to the school. You should expect to answer questions about the reasons for your application.

This guide provides information on how to make an appeal and what happens at the appeal hearing.

There are two key services involved with your admission and appeal applications:

The Admissions Team

The Team is responsible for administering all applications submitted by Sheffield residents and for notifying you of the outcome of your application. Appeals are scheduled separately.

Legal & Governance Team

This Service is part of the Council but separate from the Admissions Team and is responsible for recruiting and training Appeal Panel members and the clerks and scheduling the appeal hearings.

How do I make an Appeal?

You can appeal against a decision to refuse your child a place at your preferred school or schools, for a maximum of three schools per academic year. You must appeal against the decision in writing by completing an appeal form. You can obtain a form by visiting our website or by contacting the Admissions Team directly on 2735790 or 2735766.

You are strongly advised to read this guide before completing your appeal form.

The Panel will consider the reasons for your appeal in advance of your actual hearing. It is very important therefore that you **provide all information** that you wish the Panel to consider with your appeal form, including any supporting evidence.

The Panel may not always accept new evidence that is provided on the day. In exercising its discretion on whether to accept any new evidence, the Panel will take into account its significance and the effect of a possible need to adjourn the hearing or for it to be rescheduled at a later date

Your Appeal form should be returned to:

LEGAL & GOVERNANCE
DEMOCRATIC SERVICES
TOWN HALL

SHEFFIELD
S1 2HH

What Happens Next?

Appeal hearings for Year 6 to 7 that are submitted on time will normally be heard between April and the end of May and after the Spring Bank holiday for Nursery to Reception (FS1 to FS2) and Year 2 to 3. In-Year appeals are heard all year round and will normally be heard within 30 days of them being submitted.

We do not arrange appeal hearings during school holidays.

How do I prepare my case?

There is no right or wrong way to do this. The Authority cannot advise you on what to say at your appeal but the following general guidance might be helpful.

When you come to the part of the Admission Appeal form that asks you to set out your "Grounds of Appeal" you should include all of your reasons for appealing the decision. It is important that you include everything so that you don't accidentally miss out something that might have made all the difference.

Your reasons for appealing the decision will usually include:

- * all of the reasons why you applied for a place at the school (see below)
- * what it will mean for your family if your child has to go to another school e.g. what will a typical day be like, how many buses will you need to catch, will other children have to travel with you, what time will you need to get up and when will you get home
- * any errors that you think may have been made e.g. a child in the same admission category (as set out in the CYPF 'Guide for Parents') as your child but who lives further away was admitted but your child was not
- * any other reasons why you disagree with the decision

When giving your reasons for applying for the particular school you should include any reasons why the school is the most suitable for your child such as:

- * Religious reasons with regard to the ethos of the school (this is particularly the case for Church schools but may also apply to other schools or academies)
- * Family circumstances
- * Medical reasons (wherever possible you should support these with evidence such as a letter from your doctors or consultant and any other document or statement you consider appropriate)
- * Transport
- * Family friends and other links with the School

- * Social reasons - with supporting evidence where possible e.g. letters from friends, family or support workers
- * Your views on education and behaviour
- * Other factors to do with the school, e.g. subjects or extra-curricular activities the school offers, subjects your child enjoys, levels of attainment
- * Reasons in relation to your child's development
- * How close you live to the school and how difficult it would be to get to the allocated school (if one has been allocated).

Interpreters and other assistance

If you need the help of an interpreter or assistance with access arrangements within the Town Hall because you are disabled please let the Legal & Governance Team know as soon as possible. There are spaces for this information on the Notice of Admission Appeal form or you can ring and discuss your requirements on the phone.

Who is involved at an appeal hearing?

The appeal panel responsible for making the decision is made up of three members who are **completely independent** of the school and of the Local Authority.

A panel **must** consist of the following persons with at least one from each category:

- a) lay people (someone without personal experience in the management of any school or provision of education in any school (except as a school governor or in another voluntary capacity));
- b) people who have experience in education, who are acquainted with educational conditions in the local authority area, or who are parents of registered pupils at school.

Admission authorities must appoint a **clerk** to the Appeal Panel who is independent of the school and the education functions of the Local Authority. The clerk must have knowledge of the Appeal and Admission Codes, other law relating to admissions and other relevant law. One of the key functions of the clerk is to ensure that the hearing is heard within the correct framework and that both parties have a fair hearing. The clerk is also responsible for taking notes of the meeting and for sending you the decision of the Panel.

The clerk **does not** take part in making the decision. This is entirely the responsibility of the Panel.

A representative from the Admission Authority will normally be at the hearing to present the reasons why a place has been refused. Normally the Headteacher or other representative from the school will be present as a witness to answer any questions that you or the Panel may have about the school.

Who are the appeal panel?

- The law requires that the Panel **must** be independent from the Admission Authority and from the school you are appealing for
- Panel members are **volunteers**, they are not paid by the Local Authority.
- Panels do not report to, nor are they responsible to the City Council.
- The Panels operate within a strict legal framework that applies to all Admission Authorities.

Will I have to attend the hearing?

You do not have to attend the hearing if you do not wish to. If you do not attend, the Panel will make its decision based on:

1. Written evidence provided with your appeal form,
2. An oral and written statement from the Admission Authority Officer to explain why a place was refused.

You are however strongly advised to attend the hearing in person to enable you to fully present your case and to give the Panel the opportunity of clarifying any part of your submission. Although it is a structured hearing, the Panels realise that it can be a stressful situation and manage the hearings as informally as possible.

Hearings operate on a tight schedule. To be fair to other parents who are scheduled after you, your hearing will go ahead in your absence based on the written evidence you submitted with your appeal/application form, if you do not arrive within **10 minutes** of your allotted appointment. Your appeal **will not** be rescheduled to another time unless you contact us in advance of your hearing time.

Whilst panels would prefer to hear from the parent/guardian, you may be represented, or accompanied by a friend. It would be helpful if you would declare this on your appeal form in advance of the hearing.

If you are unable to attend and wish a third party to represent you at the appeal hearing you must provide them with a signed statement to bring to the hearing that confirms your consent.

The appeal form is an important part of your case and you should take time to complete it.

If you are going to rely on written evidence as well as the appeal form you should attach it to the form. You must ensure that any subsequent information that you wish to be considered is sent to Democratic Services at least two school days before your appeal. Evidence submitted after this date may not be admissible.

Before the hearing

You will receive a copy of the Local Authority statement before the appeal hearing. This will summarise:

- a) How the Authority carries out its role in co-ordinating admissions.
- b) How places were allocated and in which admission category your application was placed.
- c) The reason why your child was refused a place at the school.
- d) The “prejudice” to the school if any additional children were admitted to the school.

Types of Appeal

There are two types of appeal.

Grouped Appeals

Where a large number of parents appeal for places at the same school, a grouped appeal may be arranged for all parents to attend Stage 1 at the same time and hear the Admission Authority’s case.

Stage 1 – A Presenting Officer from the Authority will explain to all appellants why their application has been refused and why the school cannot admit any more pupils. This will be done in front of the Panel and all parents who have appealed for a place at the school. All parents will have the opportunity to ask the Presenting Officer and the school representative any questions about their case. This ensures that all parents hear the same information including any questions that are raised by parents in relation to the Authority and the school case. **Individual circumstances are not considered Stage 1.**

At the end of Stage 1 the Panel has to decide whether or not the Admission Authority has proved its case. If the Panel do not think the case has been proven see “How Does The Panel Reach Its Decision” in this guide. If the Panel decides that the Admission Authority has made its case, then it moves to Stage 2 of the process.

If you are not able to attend the Stage 1 of the Grouped Appeals, the hearing will go ahead in your absence. The outcome of the Stage 1 appeal hearing will be communicated to you at the Stage 2 individual appeals. The outcome will also be communicated in the decision letter.

At **Stage 2** you will be invited to a private and confidential meeting to present your own circumstances. The conduct of the hearing will be the same as that explained below. No further questions about the Admission Authority’s case will be permitted at Stage 2.

You will be notified in advance if your appeal is to be considered as a Grouped Appeal. You will also be provided with a code of conduct which will explain in more detail how the grouped part of the appeal will be conducted.

Individual Appeals

For an individual appeal you will be invited to a personal hearing for the two stages.

The hearing is a formal meeting. The Chair of the Panel is responsible for conducting the meeting and will explain to you the way in which the meeting will be managed. Whilst it may appear formal, this is to ensure that all parties have the opportunity to speak and make their case in an orderly manner, without interruption.

To ensure fairness and transparency, the Presenting Officer from the Authority cannot be in the room without you. You will go in together and you will leave together.

What happens at an appeal hearing?

Following introductions the following procedure will take place:

- The Chair will explain the procedure and what happens next.
- The Presenting Officer will be invited to explain the Admission Authority's case (**Stage 1**) You and the Panel will be able to ask questions and clarify any specific point.
- You will then be invited to present your case (**Stage 2**).
- The Panel and the Admission Authority can then ask you questions or clarify any specific points.
- When questions have finished the Admission Authority then yourself will be invited to sum up your cases.
- The Chair will explain how the decision will be made and how you will be informed of the decision.
- Both parties will then leave the room together.

How does the Panel reach its decision?

First of all the Panel has to decide whether it accepts the case presented that it would be "prejudicial" to the school to admit more pupils than its official admission number specifies.

If the Panel reject the Admission Authority's case it will uphold your appeal on the grounds that there would not be any prejudice to the school, in the case of multiple appeals for the school, it will determine the level of prejudice to the school and admit a child or number of children accordingly. Those children that are not admitted at this stage will then be considered at the next stage.

If the Panel does accept the Admission Authority's case or where the Panel determines the level of prejudice this does not mean that you have lost your appeal. The Panel will then go to the second stage where it will balance the arguments made by you and the Admission Authority. If on balance the Panel feel that the degree of prejudice to the child and family of being refused a place is stronger than any detrimental impact on the school, it will offer your child a place.

In other words, the Panel can reach a conclusion that placing additional children would be detrimental to the school but the circumstances of your case are stronger and more compelling.

If the Panel believes that the case of the Admission Authority is stronger than your own it will refuse the appeal.

Decisions are not made after each individual appeal. Where there are multiple appeals the Panel will hear them all before returning to the first one and considering each, one at a time.

How will I be informed of the decision?

The Clerk will notify you of the decision in writing as quickly as possible. The letter will be posted as soon as possible after the hearing but not later than 5 school days, unless there is good reason. It may take longer where there are a large number of appeals. It is important that all parents find out the decision at the same time and are provided written reasons for that decision. It will not be possible to let you know the decision in advance of the written reasons over the phone.

Please note that the Appeal Panel decision is final and binding on the school and parents. You can complain to the Ombudsman for Local Authority Schools and the Education Funding Agency for Academies if you believe that your appeal has not been administered correctly. Details are provided under “Making a Complaint” in this guide.

What happens if I appeal for more than one school?

If you are appealing for several schools for in-year entry or into, Year 3 or Year 7 it is likely that each appeal will be on a different day as Democratic Services will try and arrange all appeals for the same school together and it is unlikely that you will get your appeals in your preference order.

If you are successful in an appeal for your first preference school the Admissions Authority will cancel any appeal for a school that has been ranked lower by you on your application form, unless **they are advised not to do so.** They will not cancel any appeal for a school that is ranked higher than the one for which you have been successful unless you notify them accordingly.

Can I appeal again if my appeal is unsuccessful?

Normally no, the only exception to this is if you have experienced a significant change in circumstances from when you first applied. If this is the case you would write to the Admissions Team to request making a fresh application.

Waiting Lists

Each Admission Authority maintains its own waiting lists. You should ask the Local Authority or Governing Body for information about the waiting list for the particular school you applied for.

As the Appeal Panel is independent of the Admission Authority it cannot have any knowledge of the position of your child on the waiting list. It is not a relevant factor for the Panel. The decision will be based entirely on the information the Panel is presented with at the appeal.

Making a complaint

If you believe that either your original admission application or the appeal itself has been managed incorrectly you can complain to the Local Government Ombudsman for Local Authority Schools and the Education Funding Agency for Academies. You can find further details at <http://www.lgo.org.uk/>

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The Ombudsman and Education Funding Agency can only consider matters of maladministration. They cannot overturn the original decision. They can however recommend a fresh right of appeal if they find that there has been maladministration.

An appeal panel decision can only be overturned at the High Court through Judicial Review on a point of law.

Sheffield City Council