

APPEALS FOR NORTH SOMERSET SECONDARY SCHOOLS 2017 - A BRIEF GUIDE



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YOUR RIGHT OF APPEAL

Under the School Standards & Framework Act 1998 (as amended by subsequent Acts) and the School Admission Appeals Code, produced by the Department for Education (DfE), you have the right to appeal (provided you have parental responsibility for the child) against any decision made by or on behalf of the Admission Authority, as to the school at which your child is to be educated. In the case of community and voluntary controlled schools the Admission Authority is the Local Authority. For voluntary aided, trust and foundation schools, free schools and academies the Admission Authority is the Governing Body. This means that you can only appeal for places at your stated preferred schools for which you were refused a place(s).

WHO HAS THE RIGHT OF APPEAL?

You have the right of appeal if:

- you have parental responsibility, whether or not you are the natural parent;
- you have care of the child, ie the child lives with you and you look after him/her.

CAN I APPEAL FOR A PLACE AT MORE THAN ONE SCHOOL?

Yes, you can appeal for a place at more than one school, including places at community, voluntary controlled, voluntary aided, trust or foundation schools, free schools or academies, as long as you named the school on your preference form and have been refused a place.

APPEALS FOR OWN ADMISSION AUTHORITY SCHOOLS

This document applies to all secondary schools except for Gordano School who arrange their own appeal hearings. Appeals for this school should be sent directly to the school and will not involve the North Somerset Local Authority School Admissions Team, Legal Team or Clerk/Solicitor. You should contact these schools directly for full details of their appeal procedures or refer to their website.

HOW CAN I APPEAL?

Online Applicants - please login to online admissions and complete the following:

- Click View/Respond to Offer
- Select the drop down menu for the school(s) stating 'Not Offered'
- Select 'Other Decision'
- Click 'Add' in the Supporting Text column
- Type in 'Appeal' (but provide your appeal reasons separately as detailed below)
- Click Save and then Done.

You will also need to write an appeal statement that states your reasons for the appeal. Please note that whilst you may give the reasons for your appeal in the 'Supporting Text' column, this is subject to a time restriction. It is therefore recommended that for North Somerset schools, you may write your letter of appeal in one of the following ways:

- on the Appeal Statement form available at www.n-somerset.gov.uk/admissions
- by email to admissions@n-somerset.gov.uk
- by letter to us at North Somerset Council, School Admissions Team, People and Communities, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ.

Paper Applicants - name the school(s) and tick the 'Appeal' box(es) in Section B on the Response Form provided. You may write your letter of appeal on the Appeal Statement or you can use your own paper. Alternatively, for North Somerset schools only, you may write your letter of appeal in one of the following ways:

- by email to admissions@n-somerset.gov.uk
- by letter to us at North Somerset Council, School Admissions Team, People and Communities, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ.

The Response Form should be returned to North Somerset Council. Your Appeal Statement should also be returned to North Somerset Council, unless the school you are appealing for is outside North Somerset. If so your appeal letter should be sent to the council in which the school is situated.

We require you to notify North Somerset Council School Admissions Team of your intention to appeal by **14 April 2017**. Your reasons for appeal and supporting evidence can be supplied now or at a later date. When you receive confirmation of your appeal date, deadlines for this paperwork will be given.

WHEN ARE APPEALS HEARD?

Appeals for Reception Intake, Junior and Secondary Transfer are mainly heard between May and July. Appeals for those wishing to change their child's school during the school year are heard within 30 school days of being lodged.

WHAT TYPES OF APPEALS ARE THERE?

Due to infant class size legislation, there are three types of appeals:

- Infant Class Size – this is for reception to year 2 children where the class size is 30.
- Future Prejudice – this is for reception to year 2 children where the class size is NOT 30 in the year of intake, but due to class structures will be at 30 in future year groups.
- Ordinary Prejudice – this is for all appeals lodged for pupils in years 3 to 11.

Infant class size appeals and future prejudice appeals are only relevant for pupils in reception, year 1 and year 2. Below is more detail on ordinary prejudice appeals.

Ordinary Prejudice (Year 3 to Year 11)

Appeals that are not based on infant class size follow a two-stage process. The first stage is a factual stage when the Panel first of all considers whether the school's published admission arrangements comply with the mandatory requirements of the School Admission Code and the School Standards and Framework Act 1998 and whether they were properly implemented. The Panel will then determine whether they were properly implemented and whether prejudice would arise if another child was admitted to the school.

The Appeal Panel has to decide whether to admit additional child(ren) would "prejudice efficient education or the efficient use of resources", that is have a damaging effect on the school. It is for the representative of the Admission Authority to satisfy the Appeal Panel that this is the case and that the school has reached its published admission number (i.e. is full in the age group) and that prejudice would arise.

If it is clear that your child would have been offered a place at the school if the admission arrangements had been lawfully or correctly implemented and/or that no prejudice would be caused if another child was admitted, the panel will uphold your appeal at this stage.

Otherwise, the appeal moves on the second stage, known as the balancing stage. You will be asked to present your case for wanting your child to be admitted to the school and the Panel will then have to balance your reasons against the prejudice that would be caused to the school if your child were to be admitted.

DO I NEED TO ATTEND THE APPEAL HEARING?

No but you are strongly encouraged to attend the hearing to present your case. It gives you the chance to explain why you want a place at the school and to ask questions. The appeal panel can talk to you and get a clear understanding of your case. You are welcome to bring a friend or relative to support you or speak on your behalf. If you are unable to attend in person, someone else may present the case for you. If you decide not to attend the hearing a decision will be reached based on your written statement.

HOW MANY PLACES ARE RESERVED FOR THOSE APPEALING?

If a school is oversubscribed then the admissions authority must allocate all of its places up to its Published Admissions Number (PAN). No places are allowed to be held in reserve for those appealing. In the event appeal(s) are upheld the school must admit those children above the PAN.

WHO ARE THE APPEAL PANEL MEMBERS?

The panel is independent of the school and the Local Authority. In North Somerset, panels usually have three members. The panel must include at least one lay member i.e. someone without personal experience in the management of a school or the provision of education in a school (disregarding experience as a school governor or in another voluntary capacity). The panel must also include at least one person who has experience in education, or is a parent of registered pupils at a school. Although panel members may be school governors or teachers, they will not be a governor or teacher at the school in question. They will not represent the interests of your preferred school or the Local Authority.

HOW MUCH NOTICE OF THE APPEAL HEARING DATE WILL I HAVE?

Letters/emails notifying parents of appeal dates and times are sent in the order in which appeals are heard. In line with statutory guidance, these letters/emails will be sent at least 10 school days in advance of the hearing. In certain exceptional circumstances we might ask parents to agree to a shorter notice period but this would be discussed on an individual basis. If you lodge appeals for more than one school you will get a separate date for each appeal, which could be some weeks apart. Due to the volume of appeals these dates will often not be in the order you listed your preferences.

WHAT HAPPENS AT THE APPEAL HEARING?

The admission authority will present their case and you will be able to present your case. You may ask questions of each other and the appeal panel may also ask questions of both the admission authority and parents.

WHAT HAPPENS IF OTHER PARENTS ARE APPEALING FOR THE SAME SCHOOL AS I AM?

Then the panel will hear all appeals for that school before reaching any decision. The appeal panel will **not** deal with the appeals as individual appeals, but will deal with such appeals as 'grouped multiple appeals'. In these hearings the Admission Authority's case is heard once in the presence of all or groups of parents (and any representatives). The Admission Authority representative may be accompanied by someone from the school. Parents (and representatives) and the Panel may ask questions about the case. If the panel concludes that 'prejudice to the provision of efficient education or the use of resources' exists and/or the school would have to take 'Relevant Measures' if applicable (see above), it will be necessary to move to the next stage of the hearing (although that may be on a different date). At this stage, the appeals of the individual parents will be heard without the presence of the other parents.

WHEN DOES THE APPEAL PANEL MAKE ITS DECISION?

In individual appeals the decision is made on the day of the hearing.

For multiple appeals, where there is more than one appeal for the same year group at the same school, the decisions will be made when the Panel has heard all the appeals. This may take anything from one day to a week, depending on the number of appeals to be heard

HOW WILL I FIND OUT THE OUTCOME OF MY APPEAL?

The Clerk to the Appeal Panel will normally ask you to telephone later in the day, or the next morning, so that she can tell you whether or not the appeal was successful.

The Clerk will also inform you of the Panel's decision in a letter which will set out the reasons for the decision. This will normally be sent within five school days of the appeal hearing, but if it is during the school holidays the letter will be sent usually within one working week.

IS THE APPEAL PANEL'S DECISION FINAL

The decision of the Appeal Panel is binding upon the Admission Authority if your appeal is upheld. If your appeal is unsuccessful there is no further right of appeal to the Admission Authority. If your appeal is successful you will need to confirm with the relevant Admission Authority which place you wish to accept.

CAN I APPEAL AGAIN IF MY APPEAL IS REJECTED?

It is not normally possible to appeal again during the same school year. This is because the Admission Authority will not usually consider repeat applications for the same school year unless you have a significant change in circumstances relevant to your application. Unless your repeat application to the Admission Authority is allowed, no fresh appeal can arise.

APPEALS FOR SCHOOLS OUTSIDE OF NORTH SOMERSET

If you have been refused a school place at a school that is not within North Somerset Council, and you would like to appeal, please contact the local authority in which the school is situated.

SCHOOL ADMISSIONS TEAM CONTACT DETAILS

Phone: 01275 88 4014
01275 88 4078
Email: admissions@n-somerset.gov.uk
Web: www.n-somerset.gov.uk/admissions
Post: Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ

FREQUENTLY ASKED QUESTIONS

WHY CAN'T YOU GUARANTEE MY CHILD A PLACE AT THEIR PREFERRED SCHOOL?

There are a number of reasons why schools can't always accept all the children who would like to attend them, often because there simply aren't enough places at the school for everyone that named them as a preference. If schools were to admit over their admission number, this would cause prejudice to the provision of efficient education and the efficient use of resources. For schools that do receive more preferences than there are spaces, the published over-subscription criteria will be used to work out who can be offered a place.

For infant classes there is a legal limit of 30 children in a class.

WHAT WILL HAPPEN IF MY CHILD IS REFUSED A PLACE AT THEIR PREFERRED SCHOOL?

If you are refused a school place we will explain why and give you information about how to appeal against the decision, including where to send the appeal form.

If we are unable to offer a place at any of your preferred schools, and you are a North Somerset resident, we will automatically offer you an alternative school place. This will typically be the nearest school to your home address that has places available after all other on time preferences have been taken into consideration.

Appeals for infant classes are sometimes more complicated because of the legal limit of 30 children in a reception, year one and year two classes. We will tell you more about this if it affects the school for which you are refused a place.

WHAT IF I CANNOT GET ALL MY EVIDENCE BY THE LODGING DATE?

North Somerset Council must receive your completed appeal form by the closing date stated in order for your appeal to be heard in the first round of appeals. You should complete the notice of appeal form including a brief outline of your reasons for appealing. You can then send additional evidence and information at a later stage but this should be received no later than 6 working days prior to the hearing.

Please note it is essential that you give a brief outline of your case, when you submit your appeal form, to avoid any delay in hearing your appeal. If you delay in submitting evidence until after the stated deadline it may lead to an adjournment, which could last minutes, hours, days or weeks. In addition, any evidence received after the stated deadline might not be considered at your appeal hearing.

CAN I ASK THE APPEAL PANEL TO CONTACT ANYONE, SUCH AS MY DOCTOR OR SOCIAL WORKER, TO CONFIRM WHAT I HAVE SAID ON MY APPEAL FORM OR AT THE APPEAL HEARING?

No. You alone are responsible for making sure that the Appeal Panel has any written supporting evidence at the appeal hearing.

IS THE APPEAL PROCESS SEPARATE TO THE WAITING LIST AND DOES THE FACT THAT I HAVE APPEALED AFFECT MY POSITION ON THE WAITING LIST?

The appeal process and waiting list are two separate processes. You can appeal or go on the waiting list or go through both processes. Your position on the waiting list is not affected by whether you appeal or not.

WHAT IS MEANT BY “PREJUDICE”?

Prejudice in this instance means any action that would impact on the standard of education in the school. If the school had to build an extra classroom or employ an extra teacher in order to keep class numbers within the statutory limit of 30 children, it would obviously have a cost and mean there was less money available to enhance the learning of children already in the school.

CAN I WITHDRAW MY APPEAL?

Yes. You can withdraw your appeal before (and during) the appeal hearing by contacting the Clerk to the Appeals Panel or the School Admissions Team.

WHAT HAPPENS IF MY APPEAL IS UNSUCCESSFUL?

If your appeal has been unsuccessful and you have declined the place offered at an alternative school, you will need to contact the North Somerset School Admissions or your own Local Education Authority for more information on schools in your area. Please note that the appeal panel's decision is legally binding on the Local Authority

or Governing Body and you cannot re-appeal in the same year for the same year group at the same school, unless there is a significant change in your circumstances. You can appeal for other schools stated on your preference form at which you were not given a place.

WHAT SHOULD I DO IF MY APPEAL HAS BEEN REFUSED AND I DO NOT WANT TO SEND MY SON / DAUGHTER TO THE SCHOOL THAT HAS BEEN ALLOCATED?

You can apply for another school, or several other schools, and if these cannot admit more pupils, you then have the right of appeal for a place at each of these schools.

You should contact the School Admissions Team as soon as possible as you have a legal duty to have your child educated.

WHAT HAPPENS IF I NEED AN INTERPRETER / SIGNER OR OTHER HELP?

You may have an interpreter or signer at your appeal hearing. You may bring your own interpreter / signer or if you would like one provided for you, please ask the Clerk / Solicitor well before the appeal hearing, giving at least two weeks' notice if possible. This service is free of charge.

Please let us know if you have any disabilities or special requirements and need assistance. We will try and meet these as far as the venue is concerned.