

School Admission Appeals A Guide for Parents and Carers 2019



Lincolnshire County Council 01522 782030

If you have problems reading this booklet contact us on the phone number above to see how we can help.

如果您有问题读这本小册子，请以上面的电话号码联系我们，看如何能够帮助。

Jezeli masz problem z odczytaniem tej ulotki skontaktuj sie z nami uzywajac podanego numeru telefonu, zobaczmy jak mozemy ci pomoc.

Jei del kokių nors priežasčių negalite perskaityti šio bukletų prasome skambinti mums numeru nurodytu virsuje.

Если Вы не можете прочитать этот буклет, свяжитесь с нами по вышеуказанному номеру, и мы попытаемся Вам помочь.

Ja Jūs nevarat izlasīt šo bukletu, sazināties ar mums pa tālruni un mēs centīsimies palīdzēt Jums.

Se você tiver problemas para perceber o que esta escrito neste livrinho, entre em contacto no numero acima indicado para poder ser ajudado.

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IMPORTANT INFORMATION

If you are not satisfied with the outcome of your application for a school place, you have the right to appeal to an independent appeal panel.

An appeal must be made by a parent or person with parental responsibility.

In the case of appeals for a sixth form place the young person, the parent or both can make an appeal. If both the young person and the parent appeal the admission authority must hear both appeals together.

If you wish to appeal for more than one school we strongly advise you to submit all your appeals at the same time and state the order in which you would like them heard.

We will try to hear your appeals in this order if we can, but this is not always possible.

Circumstances when this appeal process does not apply

If your child has been permanently excluded from two or more schools then the right of appeal is suspended for two years.

If your child has an Education Health and Care Plan there is a separate appeal process, please contact Liaise (SEND information, advice and support service in Lincolnshire) on 0800 195 1635.

WHO TO CONTACT FOR INFORMATION

For further information

Please contact the Education Team located in our customer service centre on 01522 782030 to request an appeal form. There are some schools who manage their own appeals completely and we will tell you if you need to contact them direct.

You can also email admissionappeals@lincolnshire.gov.uk for more information about this.

It may be possible for you to appeal online. The online appeals system is available in the following circumstances:

- If you have applied online for a Reception, Year 3 or Year 7 place for the forthcoming September and
- The school you would like to appeal for accepts online appeals.

You will be informed of your right to appeal for a place at any school you have applied to and received a refusal for in response. For applications relating to places for Reception, Year 3 or Year 7 in the forthcoming September you may only apply by naming a school as a preference on your common application form.

Our website, www.lincolnshire.gov.uk/schooladmissions gives information on schools in your area and links to school websites.

Although we can help with information on schools in your area, we are not independent. You can find independent advice from these organisations:

Government website - www.gov.uk/schools-admissions

ACE Education and Advice - www.ace-ed.org.uk

Child Law Advice – www.childlawadvice.org.uk

Liase (SEND information, advice and support service in Lincolnshire)

Liase provides admissions information, advice and support to parents of children with Special Educational Needs and Disability (SEND). Please contact them on 0800 195 1635.

Transport Team

The Transport Team can help with any questions regarding home to school transport. Please contact them on 01522 782020. It is your responsibility to find out about transport to school.

Legal Services School Appeals Team

The Legal Services Team is responsible for setting up the appeal hearing and providing an independent appeal panel. They can be contacted on 01522 552129 or 552167. They will direct you to the school if your query is about a school that manages their own appeals.

MOVING HOUSE

The appeal panel can only consider your child's resident address that the admissions authority have accepted for your application.

If you are moving house the appeal panel can only take into consideration your new address if your child is already living there, by the deadline below, and the admissions authority have received the appropriate proof of address. **They cannot not take into account an intention to move.**

Starting reception – 12 noon, 15 February 2019
Infant to junior transfer – 12 noon, 15 February 2019
Secondary transfer – 12 noon, 14 December 2018

If you and your child are resident in your new address after these dates the school admissions team will add the address to your child's application for correspondence purposes only. When offer day has passed this will be updated on your child's application, and take account of it from then on, provided we have received proof of residency, such as council tax bill, utility bill or child benefit letter. **We do not accept a tenancy agreement, exchange of contracts or solicitors letter.**

If by the time of your appeal hearing you have not been able to provide the required proof of address you may be entitled to another appeal at a later date when the admission authority have accepted the new address.

Forces Families

If you are due to be posted into Lincolnshire from other parts of the UK, or returning from overseas, we can process your appeal once an official letter or a posting notice declaring a relocation date and intended address has been received.

Crown Servants

If you are a Crown Servant returning from overseas to live in Lincolnshire we can process your appeal once an official letter declaring a relocation date and intended address has been received.

All admission authorities reserve the right to check any address where the circumstances are not straight forward.

There is detailed information regarding applying for a school place when moving house in the Lincolnshire School Admissions Guide.

THE APPEAL TIMETABLE

The information provided on this page is for the 2019 main intakes for Reception, Year 7 and Year 3.

Lincolnshire County Council is the admission authority for Community and Voluntary Controlled schools and will hear appeals for these schools according to the timetable below.

	Secondary Schools	Primary Schools
National offer day	1 March 2019	16 April 2019
Deadline for an appeal to be received	Noon 29 March 2019	Noon 21 May 2019
Start hearing appeals from	30 April 2019	11 June 2019
Last date to hear appeals	18 June 2019	18 September 2019

Other admission authorities (Academies, Foundation and Aided schools) will publish their own timetables on their websites.

Appeals received after the deadline will still be heard though may not be heard with those appeals received before the deadline.

Reasons for appeal

You need to give all the reasons why you want your child to attend your preferred school. You may also wish to include why you believe any alternative school would be less appropriate for your child.

It is very important to put as much detail as possible, and include supporting documents if applicable. All parents have their own individual reasons for appealing and there are no restrictions on what you may raise in support of your appeal. Reasons that may be raised include:

- You have just moved into the area or your personal circumstances have changed and another school is now more suitable.
- It is the local school.
- You already have another child attending the school.
- Your child has friends attending the school.

Supporting evidence

We recommend that you provide as much written evidence as possible to support your case. This should be photocopies where possible, for example a letter from your minister or faith leader if your appeal is based on the religious nature of the school or a doctor's letter detailing a medical reason why your child must attend the school.

If you have additional information which you wish the appeal panel to take into account and you do not send it with your appeal, you will be given a deadline for submission of further evidence. Any evidence submitted after the deadline may not be considered.

You can send in whatever evidence you wish in support of your appeal, but we may have to blank out names of individuals you refer to and we may have to remove photos showing other people in order to comply with the legal obligations imposed by legislation.

Grammar School Appeals

If you are appealing because a grammar school has refused a place on the grounds that your child did not achieve the qualifying standard in the selection tests it is important that you send in evidence that your child should be considered to be of grammar school ability despite the test result.

Examples of information an appeal panel might find useful in determining if a child is of the required ability for a grammar school despite not reaching the qualifying standard in the selection tests include:

- The child's most recent school report
- A piece of unaided written work

If you are submitting examples of your child's work please be aware that this has to be photocopied and artwork or documents written in pencil may not photocopy well.

As this is an appeal regarding a school with an academic selection criterion, information about your child's academic achievement would be very helpful to the panel in reaching their decision. This would be best provided by your child's current school, by way of a letter or end of year report indicating where your child is in relation to national age related expectations.

If you have concerns that something prevented your child performing at their best in the test you may want to provide evidence of this.

If you have recently moved to the area and your child has not already taken the tests you should contact the grammar school to arrange this.

If your child has not taken the tests by the time of the appeal you will have to provide sufficient objective evidence to show that your child has the required ability.

If the year group is full and your child did not reach the qualifying standard the appeal panel will have to consider if your child should be deemed as qualified and go on to consider the prejudice argument for the school. This means that they will have to consider:

1. Is there evidence to suggest that your child has the required ability for a grammar school education despite having not reached the required standard in the entrance tests; and if so
2. Does the parental case for prejudice outweigh that of the school?

Sixth Form Appeals

An appeal for sixth form will either be because the applicant did not reach the required minimum academic entry level from their GCSE results or that the sixth form is oversubscribed and there are more applicants who meet the academic criteria than there are places available.

If the appeal is due to not meeting the required academic standard then it is important that you send in evidence that the applicant was expected to reach the standard and is capable of managing the sixth form workload or that something prevented them achieving the required grade on the day of the exams.

HOW THE APPEAL HEARING WORKS

Do I need to attend?

It is very important and in your best interests that you attend the appeal or send a representative.

If you are unable to attend the appeal you must let the clerk know. You will be offered the following options:

- To go ahead in absence;
- To send a representative to present the appeal on your behalf;
- To adjourn your appeal hearing to a later date.

Sometimes it is impractical to offer an alternative date and the appeal may go ahead without you. If you are unable to attend and do not contact the Clerk it is likely that the appeal will go ahead without you.

Please be aware that appeals are heard in office hours during term time only.

Can I bring anyone with me?

You can bring someone to support you at the appeal and this person can speak on your behalf or help present your case. This may be a friend, relative or other supporter like a social worker or a legal representative if you wish.

Can the child attend the appeal?

It is not usual for your child to attend the appeal, but they may attend if you wish.

Interpreters

An interpreter can be provided for you free of charge at your appeal if needed. Please complete the relevant section on the appeal form about language.

What are the chances of my appeal being successful?

The appeal will be heard by an independent panel who will look at each case individually therefore it is impossible to predict the outcome of the appeal.

WHO WILL BE AT THE APPEAL

- A panel of at least three independent people will hear the case and make the decision. They are independent of the school and admission authority and at least one of them will have an educational background.
- One of the panel members will chair the appeal and make sure everyone present is treated fairly.
- The clerk to the appeal panel will advise the panel on the law, make sure that the correct procedure is followed, assist you if necessary and take notes of the meeting. They are not involved in making the final decision.
- Someone on behalf of the admission authority of the school will present the case and explain why it is not possible to offer your child a place.
- The headteacher or another representative from the school may attend.
- You or your representative.
- Occasionally there may be an observer in attendance. The observer will play no part in the proceedings; you will be informed of this should this apply to your appeal and you will be provided with the option of requesting that an observer does not attend your appeal hearing.

WHAT HAPPENS AT THE APPEAL

When you arrive you will be shown to a waiting area. You and the presenting officer and any other attendees will enter the appeal hearing together where the Appeal Panel will be waiting for you.

At the start of the appeal you will be briefly reminded of the procedure set out below:

- The panel chair welcomes everyone.
- The clerk will go through the paperwork.
- The case for the refusal is put by the presenting officer.
- You and the panel can ask questions.
- You will be invited to put your case to the panel.
- The panel and presenting officer can ask you questions.
- The presenting officer sums up their case.
- You sum up your case.
- You, the presenting officer and any other attendees leave the room together.

After all cases have been heard the appeal panel will make their decision in private. The clerk will remain with the panel to offer any advice on the law and to make notes of the decision making. The clerk will play no part in making the decision.

THE APPEAL DECISION

The clerk will make sure that the panel consider all relevant aspects of the case, including:

- Whether the school admission policy is lawful
- Whether the school policy has been applied correctly
- Whether the school has made a case for prejudice
- Whether your case outweighs the school's case

Special rules apply to infant class size appeals, if this applies to your appeal you will be notified of this in writing together with an explanation of the rules.

Infant Class Size Appeals

Regulations under Section I of the School Standards and Framework Act 1998 limit the size of an infant class (a class in which the majority of children will reach the age of 5, 6 or 7 during the school year) to 30 pupils per class teacher. Admissions over this limit are only permitted in very limited circumstances.

When do I hear the outcome?

The Clerk will always tell you whether it is possible to get the result of your appeal by telephone, when, and which number to ring if this is available. Please remember that the person taking these calls will only know whether the panel has found in your favour or not, they will not be able to discuss the decision in detail.

You will always receive written confirmation of the panel's decision; this is likely to be within five working days of the decision being made. If the panel has not supported your appeal the letter will explain why not.

The outcome of the appeal will either be dismissed or upheld.

Dismissed

This means your appeal was unsuccessful and your child has not been offered a place at the school. The reason why your child was not offered a place will be explained in the letter.

Upheld

This means you have been successful in your appeal and your child will be able to attend the school you appealed for.

If your appeal was unsuccessful

You cannot appeal twice for a place at the same school in the same school year unless there has been a significant change in your circumstances.

If an alternative school was named on the appeal statement, you will need to contact the school as soon as possible if you wish your child to attend there.

For further information regarding any of the above, please refer to the School Admission Appeals Code 2012, available on the DFE website. www.gov.uk/government/publications/school-admissions-appeals-code

SUMMARY OF THE APPEAL PROCESS

You are informed that the school you prefer is unable to offer your child a place.

You may be able to appeal online or request a paper appeal form.

If you appeal online you will receive an email acknowledgement of your appeal. The Admission Authority for the school will usually acknowledge a paper appeal form or letter within five working days. If you do not receive an acknowledgement please contact the Admission Authority for the school

A date for your appeal will be arranged.

At least 7 working days before the appeal you will be informed of the date, time and venue.

You need to contact Legal Services School Appeals Team if you are unable to attend your appeal at the appointed time.

A reasonable time before the appeal you will receive the Admission Authority's appeal statement explaining why your child has not been admitted.

A reasonable time before the appeal you will receive the names of the Panel Members and Clerk.

The day of the appeal. Please remember to bring everything relating to your appeal.

The clerk will tell you if you can telephone for the Appeal Panel's decision. You will always be notified in writing.

TAKING MATTERS FURTHER

The Local Government Ombudsman can investigate written complaints about maladministration on the part of the Independent Appeals Panel. This is not a right of appeal and has to relate to procedural issues.

The Ombudsman is unable to overturn a Panel's decision but may propose a fresh appeal with a new Panel and Clerk.

The Local Government Ombudsman can only look at appeals relating to foundation, voluntary aided, community and voluntary controlled schools.

You can contact the Local Government Ombudsman by telephoning:
0300 061 0614

The website also has a link to an online complaints form www.lgo.org.uk

Academies

Any complaints about the administration of Academy appeals are dealt with by the Education and Skills Funding Agency.

The website has a link to an online complaints form:

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