



# SCHOOL APPEALS

**Advice for Parents and Carers**

**2018 - 2019**

For any enquiries regarding the appeals process please contact:

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## **ADMISSION APPEALS FOR GARFORTH ACADEMY**

### **GUIDANCE NOTES FOR PARENTS/CARERS**

#### **Introduction**

This booklet will guide you through the appeal procedures and offer some helpful advice.

We realise that parents often find a school appeal stressful because of the importance of the decision. The appeal panel, clerk and Academy representative are all experienced in dealing with school appeals. They are aware that this could be your first time attending an official or formal meeting. They will all try to put you at your ease.

Mr O'Reilly will be able to provide you with advice and information on the appeal procedure. You may also wish to contact the independent alternative sources of advice listed on the final page of this document.

The Chair of the appeals panel will guide you through the meeting. Their job is to make sure that both sides have the chance to put their case. The Chair will try to keep the proceedings as informal as possible but, in the interest of fairness to all, the hearing will need to follow a set procedure.

#### **Your rights**

The School Admission Appeals Code came into force in February 2012 and was later amended in 2014. The Code gives you the right to appeal to an independent appeals panel if you are not satisfied with the secondary school where your child is currently a student or has been offered a place.

The panel has the power to overturn the decision of an Admission Authority and to award your child a place at the Academy. The panel's decision is binding upon the Academy.

If you are applying for a place in next year's Year 7 you can apply for an appeal for any or all of the schools you included in your list of preferences back in the autumn. However, you cannot appeal a place at Garforth Academy if you did not include it in your list.

#### **General Advice**

- Take time and care to complete your appeal application form as accurately and honestly as possible. Appeals panels will read your form very carefully and may well ask questions about the information you provide.
- Section 2 of the form allows you to explain your case i.e. why you think your child should be offered a place at Garforth Academy. You may prefer to write your case on a separate sheet of paper so as to ensure that you have enough space to include all your points and to give details where appropriate. This forms an essential part of your case and therefore should not be rushed.
- Remember that the Year Group you have applied for is full and that the Academy will be arguing that additional children would be to the disadvantage of the

standards of education and safety of those students already in Garforth Academy. Your case will be weighed against the arguments of the Academy.

- It is advisable not to criticise your child's current school or the school you have been offered. The school will have no opportunity to answer any criticisms.
- To praise the Academy or your child's own abilities may not help your case. Any parent could do the same. You should concentrate on the facts of your case and why you feel it was wrong to not offer a place at Garforth Academy for your child.
- Include with your application form any supporting information or evidence which backs up your case.
- You should attend the appeal if at all possible. You will have the chance to fully explain your case and it would be a wasted opportunity if you were not there.
- Come prepared to the appeal hearing. Make sure you have read carefully the Academy's Statement of Case, which will have been sent to you in advance. At the hearing you will be able to ask questions about anything contained in this document. Also make sure you have prepared what you are going to say to emphasise and back up your case at the hearing. If it will help you, you can refer to notes or read from a prepared script.
- During the appeal try to stay calm. Losing your temper or showing a lack of respect or politeness would do your case no good at all. The panel, clerk and Academy representative will all understand the stress and importance of the appeal for you and will try to put you at your ease. Do not worry if you become emotional; many parents do.

## **The Appeal**

- School Appeals Panels are bodies set up under the School Standards and Framework Act 1998 to hear appeals by parents against the refusal by the Admission Authority to admit their child to schools / Academies. The formation and work of the panel are subject to the terms of the School Admissions Appeal Code 2012, amended 2014.
- Appeals Panels consist of three Members. They are independent of the Academy and Leeds City Council. The decisions they make are binding on all parties involved.
- It is the role of the Clerk to the Appeals Panel to undertake all administrative arrangements for the appeal hearing and to provide independent advice to the Appeals Panel. The Academy Admissions Officer will be responsible for correspondence with the parents in the first instance. Once an appeal is lodged the independent clerk will make contact and write regarding arrangements for the hearing at Fusion Court in Garforth.
- All hearings will be held in a private meeting room. The information you submit both in your documentation and verbally at the hearing will be considered as strictly confidential.

- The procedure used by the Appeals Panel at the hearing will be as informal as possible and will give the opportunity for both parties to put the evidence forward.
- You may bring a friend or an adviser to the hearing. This could be a Choice Adviser, local councillor, Member of Parliament or an employee of the Local Education Authority (e.g. Educational Social Worker, SEN adviser or learning mentor providing there is no conflict of interest.)

### **Appeal hearing procedure**

1. The Admission Authority's (Academy's) representative will first explain their case and why it was not possible to offer any further places at the school.
2. The Appeals Panel will have the opportunity to ask questions of the Admission Authority's representative. You will then have the opportunity to ask your questions.
3. It is then your turn, you will be able to put your case and explain the reasons why you want your child to attend the Academy.
4. The Appeals Panel and the Academy's officer then have the opportunity to ask you questions on what has been said.
5. It is then the turn of the Academy's officer to sum up their case.
6. You will then be asked to sum up and have the final word before you and the Academy's representative leave the room.
7. You will be advised at the hearing when the decision will be made and when you will be sent the decision.

### **How the panel arrive at their decision**

Having heard all the appeals scheduled on that day, or in the case of a round of scheduled appeals lasting over several days, after the last appeal has been heard, the Panel will then proceed as follows:

#### First stage- examining the decision to refuse admission

- a) The Panel must consider in relation to each child who is the subject of the appeal:
  - i). Whether the admission arrangements (including the area's co-ordinated admission arrangements) comply with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and
  - ii). Whether the admission arrangements were correctly and impartially applied in the case(s) in question
- b) The Panel must then decide whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources.

c) The Panel will uphold the appeal at the first stage where:

i) It finds that the admission arrangements did not comply with admissions law or had not been 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

ii) It finds that the admission of additional children would not prejudice the provision of efficient education or efficient use of resources

d) However, where there is more than one appeal and where a number of children would have been offered a place and to admit that number would seriously prejudice the provision of efficient education or efficient use of resources, the Panel will proceed to the second stage.

The Panel will also proceed to the second stage where:

i) It finds that the admission arrangements did comply with admissions law and that they were correctly and impartially applied to the child; or

ii) It finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied but that, if they had been, the child would not have been offered a place; or

iii) It finds that the admission of additional children would prejudice the provision of efficient education or efficient use of resources

### Second stage - balancing the arguments

The Panel must balance the prejudice to the school against the appellant's case for the child to be admitted to the school. If the Panel considers that the appellant's case outweighs the prejudice to the school, the appeal will be upheld. If the Panel considers that the appellant's case does not outweigh the prejudice to the school, the appeal will be dismissed (i.e. refused).

In multiple appeals, the Panel will not compare the individual cases when deciding whether an appellant's case outweighs the prejudice to the school. However, where the Panel finds that there were more cases which outweigh prejudice than the school can admit, the Panel will compare cases and uphold those with the strongest case for admission. Where a certain number of children could be admitted without causing prejudice, the Panel must uphold the appeals for at least that number of children.

## **ALTERNATIVE SOURCES OF ADVICE**

1. The Advisory Centre for Education (ACE) is an independent, registered charity, which offers information about state education in England and Wales for parents of school age children (including school admission appeals).

[www.ace-ed.org.uk](http://www.ace-ed.org.uk)

Tel. 0808 8005793 / 0300 0115142

2. CHOICE Advisory Service: Tel. 0113 3950596

3. Parent Partnership helpline Tel. 0113 3951200