

School Admission Appeals

A parents and carers guide

(except voluntary aided, foundation, academies and special schools)

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Important information

If you are not satisfied with the outcome of your school place allocation, you have the right to appeal to an Independent Appeal Panel. If you want to appeal for a place at more than one school you will need to appeal separately for each.

You can only appeal for a place at a school if you have applied and been refused a place.

An appeal is a legal procedure, so there has to be a degree of formality to make sure everyone can put their case without interruption. Everyone involved is aware of how daunting it can be for parents and will try to make you feel as relaxed as possible.

Appeals

A parent can appeal to any school if the year group that they have requested is full. Schools who are their own admissions authority (voluntary aided/academies/free/foundation) have different procedures for appealing and you will need to contact them direct. Further details are shown later in this booklet.

Infant class size appeals

Infant classes (reception, year 1 and year 2) are governed by class size legislation and by law must not contain more than 30 children taught by one class teacher. Admission will have been refused on the grounds of 'infant class-size prejudice' to prevent classes exceeding 30 children. (see section later)

Year 10 and year 11 appeals

If your appeal is for a place in year 10 or 11 you should also consider whether your child's GCSE option subjects and exam boards are compatible with the school you are appealing for. You may need to discuss this with the school you would like your child to attend.

Sixth form appeals

A young person may attend an appeal for a sixth form place with parents/carers or they can represent themselves.

If a place becomes available for your child at the school after your appeal has been submitted but before your appeal is heard, we will notify you and your appeal will be cancelled.

Circumstances when this appeal process does not apply:

Children with a Statement of Special Educational Needs

The appeal process for a child with a Statement of Special Educational Needs (SEN) is different. Any appeal against a decision not to offer your child a place has to be heard by a Health Education and Social Care (HESC)

Chamber of the First Tier Tribunal. You should contact your named case worker for further information.

Children who have been permanently excluded twice

If your child has been permanently excluded from two or more schools then the right to appeal is suspended for two years. Please contact the Exclusion Team on (01733) 863717.

The appeals process

The admissions authority for the school you prefer will inform you that they are unable to offer your child a place.

You tell the admissions authority that you want to appeal and you will be informed of the process for your appeal. If your appeal is for a community school you will be sent an appeal form from Peterborough City Council. For any other appeals please contact the school.

For city council appeals you need to complete the form and return it to the Appeals Clerk at the Town Hall.

Your appeal form or letter should be acknowledged within five working days. If you do not receive an acknowledgement please contact the Appeals Clerk or the school.

A date for your appeal must be arranged within 30 school days or 40 days if for a Reception or Year 7 admission appeal

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

You need to complete the tick box sheet sent with the appeal arrangements and return using the pre-paid envelope provided.

At least seven school days before the appeal you will receive the city council appeal statement explaining why your child has not been offered a place at the school of your choice. You will also receive the names of the panel members and Clerk.

On the day of the appeal, please remember to bring everything relating to your appeal with you.

You will be notified in writing within five working days of the Independent Appeal Panel's decision.

Who to contact for information

The Admissions Team can provide advice about school admissions and appeals.

The Team is based at: Peterborough City Council
Bayard Place
Broadway
Peterborough
PE1 1FB

Telephone: (01733) 864 007
Email: admissions@peterborough.gov.uk

Although the team can help with information on schools in your area, they are not independent. You can find independent advice from the Department for Children, Schools and Families website at www.dcsf.gov.uk or by searching the internet for 'Admission Appeals a Parent's Guide' in your browser.

Information about the appeal hearing can be provided by telephoning the Appeals Clerk on (01733) 452589. If your appeal is for a school that manages their own appeals you will be directed to the school.

Special Educational Needs

If your child has a statement of special educational needs, please phone the Special Educational Needs Department on (01733) 863686.

Advisory Centre for Education

Independent advice and information is available on state education, including admissions appeals. They can be contacted by texting APPEAL to 68808 or by:

Telephone 0808 800 5793 or visit www.ace-ed.org.uk

Alternatively visit www.direct.gov.uk/index.htm

When to appeal

You can only appeal for a school place if you have not been offered a school place at your preferred school.

In year appeals

If you wish to appeal for a place in a school now, you need to appeal as soon as possible. Your appeal must be heard within 30 school days of the date your appeal is received by the Appeals Clerk.

Intake appeals for year 7, reception and year 2/3 transfer to Junior School

If you are appealing because your child was not offered a place at one of the schools you named on your common application form, your appeal should be returned by the date given by Peterborough City Council in your offer letter. The hearing must take place within 40 days from the time the Appeal Clerk received your appeal form. The Independent Appeal Panel tries to hear reception appeals before the end of the summer term if submitted by the given date included with your offer letter.

Individual appeals

If there is only one appeal for the same school, the Independent Appeal Panel may hear your case on an individual basis.

Multiple appeals

If there are two or more appeals for the same school, it may be necessary to hold a session where the city council will present its case to all the parents together. All parents will be given an opportunity to ask general questions of the city council as will the Independent Appeal Panel. You will be given an individual appointment to present your case to the Independent Appeal Panel.

During these intake sessions (usually held during May to July each year) for a September start, the city council's case **may** be held during the evening with your individual case being held in the following days.

You will be informed by letter beforehand if this procedure applies to your appeal.

Infant Class Size legislation – for appeals for reception/year 1 & 2

When considering undertaking an appeal, parents must bear in mind that infant class size legislation states that classes must not contain more than 30 pupils with a single school teacher. An appeals panel must consider the infant class size legislation when hearing appeals for Reception, Year 1 and Year 2 classes, where this applies. Most of our schools organise their year groups in classes of 30; if they do so the infant class size legislation applies. An appeal panel must dismiss the appeal at the first stage where:

- a) it finds that the admissions arrangements did comply with admissions law and were correctly and impartially applied; or
 - b) it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied but that, if they had complied and had been correctly and impartially applied, the child would not have been offered a place;
- and it finds that the decision to refuse admission was one which a reasonable admission authority could have made.

In past years no (0) appeals heard under Infant Class Size legislation for reception year classes have been successful

Additional children maybe admitted under limited exceptional circumstances. The excepted children are:

- a) children admitted outside the normal admissions round with statements of special educational needs specifying a school;
- b) looked after children and previously looked after children admitted outside the normal admissions round;
- c) children admitted, after initial allocation of places because of a procedural error made by the admissions authority or local authority in the original application process;
- d) children admitted after an independent appeals panel upholds an appeal;
- e) children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- f) children of UK service personnel admitted outside the normal admissions round;
- g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- h) children with special education needs who are normally taught in a special education needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.

Your appeal

Reasons for appeal

The most important part of your appeal is where you give your reasons for wanting your child to attend the school. Your case should/must be about your reasons why you want your child to attend your preferred school and **not** why your child should not be at their current or offered school.

It is important that you put as much detail as possible in your appeal statement and include any supporting evidence that you feel will help your appeal.

All parents have their own reasons for appealing. These could include things such as:

- You have just moved into the area
- It is the local school
- You already have another child attending the school
- The academic record of the school
- There are medical, religious or cultural reasons to attend the school
- Your personal circumstances have changed and another school is now more suitable

All information given on the appeal form is private and confidential.

Supporting evidence

It may help your appeal if you provide written evidence to support your case, such as:

- A doctor's or consultant's note detailing an investigated medical reason for attending the school

We **do not** accept doctor's letters stating: "Mrs Jones tells me that Johnny has trouble walking and must go to her preferred school." This is not a medical fact but a parental fact.

If you have additional information which you wish the Independent Appeal Panel to take into account and you did not send it with your appeal statement, please send it as soon as possible. It may be necessary to postpone/adjourn the hearing if significant information is received less than three working days before the appeal hearing. This could also delay your and other parent's appeals.

Interpreters

If you have difficulty in speaking or understanding English, you should contact the Appeals Clerk and inform them. You should also complete the relevant section on the appeals form, detailing your preferred spoken language. An interpreter will then be provided for you free of charge at your appeal.

Dates when you are unavailable

Appeals are usually heard during working hours and within term time, if possible. You will be sent a letter giving you the date and time of your appeal but if you cannot make the date you should contact the Appeals Clerk immediately to see if the appeal hearing time can be re-arranged. It may not be possible to re-arrange the date especially if there are multiple appeals for the same school where it would not be reasonable to ask all the other parents to change their date. If you know beforehand that there are dates that you will be unavailable you should give this information on the appeal form that you send in.

Ten School Days Notice

You are legally entitled to ten school days notice of the date of your appeal hearing. If you choose to waive this you will always be given at least seven working days notice.

Where to send the Notice of Appeal – community schools only

The appeal papers that are sent to you should be returned to:

**The Appeals Clerk
Legal Services
Town Hall
Peterborough
PE1 1HG**

Please **do not** send any papers to the Admissions Team.

Moving house

If you are in the process of moving house and you want the Appeal Panel to take account of your new address, you will need to provide proof of this address. You must send written evidence to support this, for example a copy of a signed tenancy agreement (minimum six months), an exchange of contract or a completion certificate. If you do not provide this information the Independent Appeal Panel will use your old address. We recommend that you do not send in your appeal until you have the written proof.

Armed Forces families

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

Who will be at the appeal?

- A panel of three or five people who will hear the case and make the decision. They are all independent of the school and Peterborough City Council and at least one of them will have an educational background
- 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
- Someone from the city council on behalf of the school will present the case for the school and explain why it is not possible to offer your child a place
- The headteacher or another representative from the school may also attend to answer detailed questions about the school
- You and/or your representative

Occasionally there may be an observer in attendance; however, this will only be with the agreement of the parent(s). The observer will play no part in the proceedings.

When you arrive you will be shown to a waiting area. You and the presenting officer and headteacher (if attending) will enter the appeal hearing together.

Independent Appeals Panel

Independent Appeals Panel:

The composition of Independent Appeal Panel is laid down by law and the law clearly states that panels are totally independent of the city council. This means that the city council cannot tell the Independent Appeal Panel what to do.

The Independent Appeal Panel is binding on the city council and any governing body of a school at which they may allocate a place for your child.

The Independent Appeal Panel is made up of three to five panel members.

One must be an experienced member (someone who is experienced in education matters for example a retired school teacher, a parent who has a child in a school etc).

One must be a lay member (someone who is not experienced in education matters). The other members can be a mixture of the above.

What happens at the appeal?

At the start of the appeal you will be told the procedure.

The appeals procedure is normally as follows:

- The panel chair welcomes everyone
- The Clerk will go through the procedure and the paperwork
- The case for the city council is heard
- You and the panel can ask questions of the city council/school, for example school issues
- You and the city council leave the room and the Independent Appeal Panel reach a decision, whether or not the city council has proved prejudice. (Further information is contained in the Section Appeal Decision – Stage One). If not proved the appeal is automatically allowed. If proved, the appeal continues
- You will be invited to put your case to the Independent Appeal Panel
- Questions from all parties will be heard at this time
- The city council sums up their case
- You sum up your case
- You and the city council all leave the room together

After all cases have been heard the Independent Appeal Panel will make their decision in private. The Clerk will remain with the Independent Appeal Panel while they discuss your case. The Clerk is present to advise on matters of procedure and the law, to take notes of the appeals and to ensure your appeal is conducted in a fair manner and in accordance with the principles of natural justice. The decision on whether or not to allow your appeal will be made solely by the Independent Appeal Panel.

The appeal decision

How is the decision made?

The Independent Appeal Panel makes their decision in two stages.

Stage One – this is about the school

The Independent Appeal Panel has to decide if the admissions arrangements comply with the law and have been correctly applied. They must then be satisfied that it would cause difficulties for the school if another child were to be admitted. The legal term for this is that another child would cause “prejudice” to those already attending the school.

If the Independent Appeal Panel do not feel that the city council have made their case, then the appeal is supported and your child will be admitted to the school. If this happens there will be no need to hear your individual case.

If the Independent Appeal Panel decide the city council have made a case that to add one more child to the relevant year group would cause prejudice to the children already attending the school, the Panel will move to the second stage of the decision making.

Stage two – this is about your child

The Independent Appeal Panel will listen to your reasons for wanting a place at the school for your child. The panel will balance the prejudice caused to the children already attending the school by adding one more child against the prejudice caused to your child by refusing to offer a place. This is where personal information about you / your child is discussed.

The outcome

When there are individual appeals, the decision is made at the end of the last appeal.

When there are several appeals for the same school, the decision is made after all those appeals have been heard. In the case of multiple appeals this may be some days after your own appeal is heard.

You will receive written confirmation of the Independent Appeal Panel’s decision, this is likely to be within five working days of the decision being made.

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

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.

Supported

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

After your appeal

If your appeal was unsuccessful (dismissed)

You cannot appeal twice for a place at the same school in the same school year unless there are significant changes in your circumstances. Examples of changes of circumstances that will allow you to appeal again in the same school year are, a house move, new medical evidence etc., any changes will need to be supported with new paperwork

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. This place will be held for two weeks from the date of your decision letter.

If your appeal was successful (supported)

You will need to contact the school as soon as possible so a start date can be arranged.

What if you are unhappy with the result?

If you are unhappy with the way your appeal has been heard, you can take the matter further by asking the Local Government Ombudsman to investigate the process.

You will need to write to the Ombudsman and they can investigate complaints about maladministration on the part of the Independent Appeal Panel. This is not a right of appeal and has to be about the appeal process that you have been through.

The Ombudsman cannot overturn the Independent Appeal Panels' decision but may propose a fresh appeal if they feel that the appeal procedure has not been heard properly or the paperwork regarding the appeal was not done correctly and within deadlines. Only on the suggestion of the Ombudsman will a new appeal be arranged with a different Clerk and a different Independent Appeal Panel.

If you wish to make a formal complaint, please contact:

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Telephone: 0247 682 0001
Email: enquiries.coventry@lgo.org.uk

Frequently asked questions

Do I need to attend?

It is very important and in your best interests for you to attend. You may send a representative, or have someone speak on your behalf, but the Independent Appeal Panel may want clarification of or extra information, which your representative may not be able to provide.

Can I bring anyone with me?

You can bring someone to support you and they can speak on your behalf or help you present your case.

Who can you bring with you?

Friend, SEN adviser, a locally elected politician – Ward Councillor, Social Worker. Please note: if you do bring someone that is employed by Peterborough City Council there must not be a conflict of interest. Someone who works at the school concerned or a member of the admissions authority **is not allowed** to attend as a representative or on your behalf.

Should my child attend?

It is for you to decide whether your child should attend the hearing. Please be aware that if your appeal is held during the day this would mean taking your child out of school for about two hours. Depending on the case you are putting forward some of the information may and can/could be upsetting for yourself and your child. If you do decide to bring your child, please **only bring** the child that is the subject of the appeal and do not bring any other children as there is no-one to look after them while you are in the hearing.

Is it like a court?

The appeals process is a legal procedure and will have a degree of formality but the Independent Appeal Panel try to keep it as informal and relaxed as far as possible.

Is the appeal process really independent?

Yes, the appeals process is independent of the city council and the school you are appealing for.

What if a place becomes available during this process?

The appeal would be stopped and the place offered at the school requested for your child.

Voluntary aided, foundation schools and academies

The following schools are their own admissions authority and conduct their own appeals and you should contact them direct for information and/or advice.

Primary/Junior Schools

All Saints CE (aided) Junior School (01733) 563688	St John's Church (voluntary aided) Primary School (01733) 237543
Bishop Creighton Academy (01733) 343895	St Michael's C of E (voluntary aided) Primary School (01733) 306778
Fulbridge Academy (01733) 566990	St Thomas More RC (voluntary aided) Primary School (01733) 566005
Highlees Academy (01733) 264294	Sacred Heart RC (voluntary aided) Primary School (01733) 262449
Ormiston Meadows Academy (01733) 231008	Stanground St John's Academy (01733) 703257
Orton Wistow Foundation Primary School (01733) 370646	The King's (The Cathedral) School (01733) 751541
Newark Hill Academy (01733) 266053	Thomas Deacon Junior Academy (01733) 426060
Peakirk cum Glinton C of E (voluntary aided) Primary School (01733) 252361	Welland Academy (01733) 563180
St Augustine's C of E (aided) Junior School (01733) 563566	William Law CE (voluntary aided) Primary School (01733) 577600

Secondary Schools

Arthur Mellows Village College (01733) 252235	St John Fisher Catholic High School (01733) 343646
City of Peterborough Academy (01733) 776504	Stanground College (01733) 564071
Jack Hunt School (01733) 263526	The King's (The Catholic) School (01733) 751541
Ormiston Bushfield Academy (01733) 233014	The Thomas Deacon Academy (01733) 426050
Orton Longueville School (01733) 368300	The Voyager School (01733) 383888

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