



Working together

School Admission Appeals

Key Stage 2, 3 & 4 Appeals

A Guide for Parents

This guide provides information and guidance for parents appealing against the decision made by an admitting authority to refuse their child a place at a school. It covers Key Stages 2, 3 and 4 and gives information on the appeals process and covers many frequently asked questions. Separate information is available for Infant Class Size appeals, as they are governed by additional legislation. If you have any questions that are not dealt with here, please contact the School Appeals Service:

Bournemouth

**Appeals Officer
Bournemouth Education Appeals Service
Democratic Services
Town Hall
Bournemouth
Dorset BH2 6DY**

Tel: 01202 451163

E: schoolappeals@bournemouth.gov.uk

Poole

**Appeals Officer
Poole Education Appeals Service
Democratic Services
Civic Centre
Poole
Dorset BH15 2RU**

Tel: 01202 633036

E: schoolappeals@poole.gov.uk

CONTENTS

Page

| | |
|--------------|---|
| Introduction | 3 |
|--------------|---|

THE ADMISSION PROCESS AND ALTERNATIVE SCHOOLS

| | |
|---|---|
| 1. Why didn't I get the school place I wanted? | 3 |
| 2. Should I accept an alternative school place? | 3 |
| 3. How do I lodge my appeal? | 3 |

THE APPEALS PROCESS

| | |
|--|---|
| 4. What happens after I submit my appeal? | 4 |
| 5. When will my appeal be heard? | 4 |
| 6. Where will my appeal be heard? | 5 |
| 7. What information will be sent to me and the Appeal Panel? | 5 |

THE APPEALS HEARING

| | |
|---|----|
| 8. Should I attend the appeal hearing? | 5 |
| 9. Can I bring someone with me to help me? | 5 |
| 10. Preparing for my appeal | 6 |
| 11. Can I know why previous appeals were upheld? | 6 |
| 12. What if I want to withdraw my appeal? | 7 |
| 13. What should I do before the appeal hearing? | 7 |
| 14. What must I bring to the appeal hearing? | 7 |
| 15. Who will be at the appeal hearing? | 7 |
| 16. What happens at the appeal hearing? | 8 |
| 17. How will the appeal hearing proceed on the day? | 8 |
| 18. How long will the appeal hearing take? | 9 |
| 19. Who are the Appeal Panel and what are their powers? | 9 |
| 20. What is the Role of the Admission Authority Presenting Officer? | 10 |
| 21. What is the role of the Clerk to the Appeal Panel? | 10 |
| 22. What is the Decision-Making Process that the Appeal Panel uses? | 11 |
| 23. What is different about In-year Fair Access appeals? | 12 |
| 24. What is different about Grammar School appeals? | 13 |
| 25. Short adjournments | 13 |
| 26. What if I have a disability? | 13 |
| 27. What happens if I need an interpreter / signer or other help? | 14 |

AFTER THE APPEAL HEARING

| | |
|---|----|
| 28. What happens after the appeal hearing? | 14 |
| 29. Can I complain? | 14 |
| 30. What if I feel the decision of the Appeal Panel was wrong in law? | 15 |
| 31. Can I appeal again if my appeal is rejected? | 15 |

FURTHER INFORMATION AND ADVICE

| | |
|---|----|
| 32. Where can I get further support and advice? | 15 |
|---|----|

| | | |
|------------|-------------------------------------|----|
| Appendix 1 | Glossary of terms and abbreviations | 18 |
|------------|-------------------------------------|----|

Introduction

Under Section 94 of the Schools Standards and Framework Act 1998, all admitting authorities must offer an opportunity to appeal the refusal of a place at a school or academy. The 2012 School Admission Appeals Code sets out the guidance that should be used for admission appeals.

This guidance is to help you understand what is involved in an Independent School Admission Appeal in Bournemouth or Poole. It is not intended to be a complete legal guide, although every effort has been made to cover all the important points.

Bournemouth Education Appeals Service and Poole Education Appeals Service arranges School Admission Appeals for all Community and Voluntary Controlled Schools in Bournemouth and Poole as well as most Voluntary Aided Schools and Academies in the two Boroughs. Please contact the service for clarification if needed.

1. Why didn't I get a place at the school I wanted?

All parents have a right to express a preference for the school they would like to attend. Although every effort is made to offer your child a place at your preferred school, this is not always possible. All admission authorities must offer a place at the school unless there is a legal reason for refusing a place.

The most common reason for not offering a place is that the school(s) received more applications than places available and other children had a higher priority for the place at the school than your child when the school's admission policy was applied. For in-year applications, it is usually that the school is up to its published admission number in the year group.

In both instances, the school will not wish to admit more pupils as this will adversely affect resources and the education of other children at the school.

2. Should I accept an alternative school place?

If you have not been offered a place at the school you would like, it is sensible to consider an alternative school place for your child. If you have not already done so and it is something the school offers, you should visit the school you have been offered. If you accept a place at an alternative school, you can still appeal for a place at any school that was named on the application form you submitted. Accepting an alternative place will not affect any appeal that you lodge.

3. How do I lodge my appeal?

All parents have the right to appeal against any decision made by or on behalf of an admission authority as to the school your child attends under legislation produced by the Department for Education (DfE). You have the right of appeal if you have parental responsibility, irrespective of whether you are the natural parent or if you care for a child who lives with you. It does not have to be the same person who submitted the application form.

If you do wish to appeal, you will need to complete an appeal form stating why you want your child to attend that school. You can appeal for a place at more than one school, but you cannot appeal for a school you did not name on your application form.

Your appeal must be made in writing and you must explain the reasons why you are lodging an appeal. **If you submit an appeal form without setting out your grounds of appeal, it will be returned to you as you will have not lodged your appeal correctly.**

Please note that your right is to appeal the refusal of a place for your child by an admission authority. There is no right of appeal against which alternative school having been offered to you – this is done to ensure your child has a school place (where the Local Authority has responsibility to do so).

Your refusal letter will advise how to obtain an appeal form and the form will tell you where to return it to. Normally, you will need to submit your appeal by a certain date – this information can be obtained from the school(s) website by viewing their Appeal Timetable.

4. What happens after I submit my appeal?

After you submit your appeal we will:

- send you written confirmation that we have received your appeal;
- in due course, write to you to confirm the arrangements for when and where your appeal will be heard. In accordance with the School Admission Appeals Code, you must be given at least 10 school days written notice (unless you have agreed to having shorter notice) of the appeal hearing;
- at least seven days before the hearing, we will send you and the Panel all the papers relating to your appeal. This will include a copy of the Admission Authority's Statement;
- after the appeal hearing, we will send you a letter giving the Panel's decision and detailing their reason for it.

5. When will my appeal be heard?

The School Admission Appeals Code sets out the following timetable for when appeals will be heard:

- For applications made in the normal admission round (i.e. applications made by the specified deadline to start in Reception, transfer to Junior/Middle School or start Secondary School in the coming September), appeals must be heard within 40 school days of the deadline for lodging appeals;
- For late applications (i.e. applications made after the specified deadline to apply to start in Reception, transfer to Junior/Middle School or start Secondary School in the coming September), appeals should be heard within 40 school days from the deadline for lodging appeals where possible, or within 30 school days of the appeal being lodged;
- Applications for in-year admissions (all applications that are not part of the Primary, Junior/Middle or Secondary intakes for September onwards; (This could be for any year group at any time of year) appeals must be heard within 30 school days of the appeal being lodged.

6. Where will my appeal be heard?

The appeal hearing will be arranged to be at a local venue, usually the Town Hall in Bournemouth, Civic Centre in Poole, or they could be heard at the school itself. You will be notified of the venue when you are advised of your appeal hearing date/time. The venue will always be suitable for a hearing and accessible to all parties. Appeal hearings take place on a weekday during school term time.

7. What information will be sent to me and the Appeal Panel?

In addition to your appeal submission, a copy of the Admission Authority's Statement will be sent to you and the Appeal Panel. This Statement must include details of how the admission arrangements apply to the application, the reason for the decision to refuse admission and an explanation as to how admission of an additional child would cause prejudice to the provision of proficient education or efficient use of resources (i.e. why they cannot take any more children).

8. Should I attend the appeal hearing?

Yes: We strongly recommend you attend to present your case in person. Attending the hearing will give you the opportunity to clarify any matters which the Panel may have questions about; and allow you to ask any questions of the Admission Authority's representative if you wish. If you do not attend and have not contacted the Clerk to inform them of an emergency issue, the Panel will probably go ahead in your absence and will make a decision based on the written evidence supplied by you and the evidence submitted both in writing and orally at the hearing by the Admission Authority's representative.

We strongly advise against bringing your child(ren) to the appeal hearing if at possible as we want you to be able to talk openly and freely and avoid putting you or your child under any undue stress - this is **your** appeal as their parent/carer. There are no childcare facilities at the venues used for appeals and it is not appropriate for children to be cared for in the room where the hearing takes place.

Please be aware that if you bring your child to the hearing and wish them to speak to the Appeal Panel, your child becomes a witness to the hearing and may be questioned by the Appeal Panel or Admission Authority representative.

9. Can I bring someone with me to help me?

Yes: You may bring a family member, friend or a representative with you. They can simply support you or speak on your behalf. You are also free to have legal representation at an admission appeal hearing, but this ought not to be necessary. If you chose to appoint one, this will be at your own expense.

You can also call witnesses, but it is unlikely to be necessary. If you intend to do so, you should inform the Clerk as soon as possible. The Appeal Panel may consider it appropriate to allow you to bring witnesses providing the evidence they give is relevant and not repetitive.

Please note that Councillors, employees of the Local Authority, Admission Authority or a locally elected politician can only attend as a friend or adviser if there is no conflict of interest. A representative of the school in question is not allowed to support individual appeals, either at the hearing or by providing letters of support because of possible conflicts of interest and the possibility of unfairness to other appellants. This includes teachers, staff and school governors.

You will need to tell the Clerk in advance of the appeal who you will be bringing and in what capacity they are coming.

10. Preparing for my appeal

The Appeal Form will be an important part of your case and you need to fill it in as fully and carefully as possible, giving your grounds for your appeal. The Appeal Panel will be sent a copy of this before the hearing. This can be supplemented by additional evidence and information at a later date. However, any additional information or evidence **must be with the Clerk at least 5 working days** before the appeal hearing. If you submit additional papers after this deadline or bring further items with you on the day of the hearing, it will be up to the Appeal Panel to decide whether to accept any additional late evidence. Submitting late evidence could be rejected by the Appeal Panel or it could lead to your hearing being adjourned or even postponed to another day.

Please Note - You cannot submit any evidence after your appeal has taken place.

The Admission Authority must comply with reasonable requests from parents for information which they need to help them prepare their case for appeal.

It is important to provide written evidence to support your grounds of appeal wherever possible. The Admission Authority may seek independent evidence from you on matters like medical conditions or your address, prior to the hearing, which confirms or supports what you say.

Please note that we retain any evidence or supporting documents sent to us as part of your appeal. If you wish to retain any original documents, please ensure you submit copies to us. Also, bear in mind that the Appeal Panel may not have been given any previous correspondence you might have had with the Admission Authority – it is up to you to submit **all** documentation you wish to be included as part of your appeal.

If you wish for the Panel to have confirmation from someone such as your doctor or social worker as to what you have said on your appeal form, or at the hearing, it is **up to you** to obtain this written support and send it to us before the deadline to received paperwork.

11. Can I know why previous appeals were upheld?

Previous decisions on school admission appeals do not set precedent, so no-one can predict whether your appeal will be successful or not. In addition, school appeals are confidential, so you cannot ask to see copies of previous appeals or know why other appeals were successful. Your appeal will be considered on your own circumstances.

12. What if I want to withdraw my appeal?

You can withdraw your appeal at any time before the hearing. Please contact Bournemouth or Poole Education Appeals Service as soon as possible by telephone and follow this up with a letter or email as confirmation.

13. What should I do before the appeal hearing?

You are responsible for presenting your case, for deciding what you would like to say at the hearing as well as what written information you want the Panel to have.

So, before the hearing you are advised to:

- Familiarise yourself with the hearing procedures;
- Make a note of any questions you may have about the process of the hearing;
- Make sure you have read the Admission Authority's Statement;
- Make a note of any questions you would like to ask the Admission Authority's presenting officer about the Admission Authority's Statement;
- Spend some time deciding what you would like to say when the Panel invites you to explain your reasons for wanting your child to attend your preferred school – it might be helpful to make a note of the main points;
- Make sure you have sent all the paperwork that you want the Panel to see to support your case as directed in your appeals correspondence by the deadline given.

14. What must I bring to the appeal hearing?

Please ensure you bring along your copy of the Admission Authority's Statement that will be sent to you prior to the appeal hearing. Additionally, please bring originals of your supporting letters and documents that you have already supplied, proof of your address (if applicable), any notes of questions you may have, a copy of this guidance and, of course, any notes you have for verbally presenting your case.

15. Who will be at the appeal hearing?

- You, if you chose to attend along with your partner, friend, supporter or witness
- Your representative or legal adviser, if you have appointed one (but this ought not to be necessary)
- Any witness you choose to call to speak at the hearing (not normally necessary)
- The Appeal Panel (3 members)
- The Clerk to the Panel
- A Presenting Officer from the School's Admission Authority and possibly their witness(es): this could be the Head Teacher, an Administrative Officer and/or representative of the school
- Occasionally, an observer (for training purposes)

Additionally, if your appeal is one of several for the same year group and school there will be other parents to hear the Presenting Officer present their case in the presence of all the parents appealing for the school. Sometimes it may just be one other parent, or it may be 30 (or more) other parents. This is because this part of the hearing concerns facts and figures about the school and it ensures that all parents have the same opportunity to hear the presenting officer's case about the school.

Please note however that when you present **your** case, it will be heard **without** any other parents in the room.

16. What happens at the appeal hearing?

When you arrive for the appeal hearing, you will be directed to a waiting area. The representative of the Admission Authority will also be asked to wait (in a separate area).

The Clerk will check that you have received all the paperwork, which was also circulated to the Appeal Panel and Admission Authority at least a week before the appeal hearing. The Clerk will also be able to answer any last-minute questions you may have.

The Clerk will invite both you, other parents (if applicable) and the representative of the Admission Authority into the room at the same time where the appeal will be heard. The Panel Members will usually already be in the room. No party will enter the room without the other, unless you chose not to attend the hearing.

The Appeal Panel must operate according to the principles of natural justice. This means that the conduct of appeal hearings should be based on fairness and, as far as possible, create an informal atmosphere. Due to this, hearings are not tape recorded or videoed except where this may help a parent with a disability.

The Appeal Hearing will be conducted in accordance with the guidelines given in the School Admission Appeals Code (which came into force on 1 February 2012). The School Admission Appeals Code is a national code governing School Admission Appeals. It imposes mandatory requirements and includes guidance on the conduct of Appeal Hearings. The Appeal Panel must, by law, have regard to the Code.

17. How will the appeal hearing proceed on the day?

The usual order of proceedings of the hearing is as follows:

1. At the start of the hearing, the Chairperson of the Appeal Panel will welcome everyone, introduce those present and explain the procedure that will be followed.
2. The Presenting Officer for the School's Admission Authority will then present the case for the school, based on its written submission.
3. You, your representative, the Panel (and other parents if a multiple appeal) can then ask any questions relating to the reason for refusal and the points made by the Admission Authority, **but you should not refer to your own individual circumstances at this stage.**
4. You, any other parents and the Admission Authority representative(s) will then be asked to leave the room whilst the Panel Members make their Stage 1 decisions (see Section 18).

If the Admission Authority fails to satisfy the Appeal Panel on any of these points, the Panel will allow your appeal (and any others being heard if part of a multiple appeal) and the hearing will end at this stage.

If the Authority does satisfy the Appeal Panel on the points above, the hearing continues as set out below.

5. You and the Admission Authority representative(s) will be invited to return to the room. You or your representative will then be invited to present your case. Your case should expand on the reasons why you want your child to go to the school. In the case of multiple appeals, this will be at a separate appointment time without any other parents present. The **hearing is confidential**, so please feel free to say whatever you need to.
6. The representative of the Admission Authority and the Panel may ask questions about your reasons for wanting a place at the school.
7. The representative of the Admission Authority will sum up the reasons for refusing your child a place.
8. You then sum up your reasons for wanting a place (not introducing any new information at this stage).
9. Both you and the Admission Authority representative will then be asked to leave the room at the same time.

18. How long will the appeal hearing take?

It is difficult to say exactly. If yours is the only case, the whole Appeal Hearing normally takes somewhere between 45 minutes to 1 hour or, occasionally longer.

If there is more than one case, you are given a time for the Presenting Officer's case about the school, which can take somewhere between 45 minutes and 2 hours depending on the complexity of the points raised and the number of parents attending. You are then given a second time for your personal case, which normally takes about 30 minutes that includes time for questions and summing up by both the Presenting Officer and yourself.

19. Who are the Appeal Panel and what are their powers?

When you decide to appeal against the decision of the Admission Authority to refuse a place for your child at their school, a special panel called an Appeal Panel will hear your appeal.

The Appeal Panel is made up of people who are completely independent of the school and education functions of the Local Authority. The Appeal Panel comprise of a Chairperson and at least two other Panel Members with at least one from each category on the next page:

- lay people – someone without personal experience in the management or provision of education in any school (excluding experience as a school governor or in another voluntary capacity).
- persons who have experience in education, are acquainted with education conditions in the Local Authority area or are parents of registered pupils at a school.

In Bournemouth and Poole, there are three members on a Panel – all of whom are volunteers. They are not allowed to be Local Authority Councillors and they receive no payment other than reimbursement for expenses. They will have undertaken training as required by the School Admission Appeals Code.

None of the Appeal Panel Members will have had any connection with the admissions process affecting your particular case or any former knowledge of your case other than your appeal form and supporting documents alongside the Admission Authority's statement.

You will be notified of the names of your Appeal Panel Members prior to the hearing. Upon receiving this notification, should you have any objections regarding impartiality, these should be notified to the Clerk immediately.

The Appeal Panel will listen to your case and that made by the Admission Authority and can question both parties. It will consider all evidence submitted both orally and in writing, by all parties. The Appeal Panel will either accept or reject your appeal. It has no other power. If it accepts your appeal, your child must be offered a place at the school you have appealed for.

The decision of the Appeal Panel is final and binding on all parties. The Appeal Panel cannot allocate places at a school other than the school that they are hearing the appeal for.

The Appeal Panel cannot:

- enter into a debate with either party on issues raised;
- attach any conditions if it allows your appeal;
- hear complaints or objections in wider aspects of local admission policies and practice;
- reassess the capacity of the school;
- take into consideration your child's position on the waiting list for the school;
- order the Admission Authority to change your position on the waiting list for the school;
- consider general matters regarding admission arrangements or admission policies.

20. What is the role of the Admission Authority Presenting Officer?

The Presenting Officer is there to represent the Admission Authority and to explain the reason why your application was refused. They should give all the relevant information as clearly as possible and without the use of jargon. The Presenting Officer will answer detailed questions about the case, the school (including its admission arrangements) and local co-ordinated admission arrangements. He or she may be accompanied by the Head Teacher of the school or another school representative to answer detailed questions about the school.

21. What is the role of the Clerk to the Appeal Panel?

The Clerk is not a member of the Panel but has an important part to play in ensuring that all relevant facts are established and that the appeal hearing is conducted in a fair way. The service they provide is both independent and impartial. The Clerk's main role at the hearing is to:

- Explain the basic procedure to appellants and deal with any questions they may have before the hearing (The Chair or Clerk, as appropriate, may deal with procedural questions raised during the hearing);
- Be an independent source of advice (or to seek appropriate advice) on procedure, on the School Admissions and School Admission Appeals Code, and on the law on admissions, giving any advice in the presence of all parties where practicable;
- Ensure that both the appellants and the Admission Authority have the opportunity to present relevant facts at the hearing;
- Assist the Panel, Admission Authority, or the appellants with procedure and obtaining advice where directed by the Panel Chair to do so;
- Record the proceedings, attendance, voting outcomes, Panel decisions and reasons in a form that the Panel and Clerk agree is appropriate. All notes and records of the proceedings taken by the Clerk are the property of the Panel. These notes are prepared and retained on the basis that they may be required to be disclosed to the Local Government Ombudsman, Education Funding Agency or are required as part of a court proceeding;
- Notify all parties of the Appeal Panel's decision.

22. What is the Decision-Making Process that the Appeal Panel uses?

The Panel must follow the two-stage process as set out in the Appeals Code for all appeals (other than infant class size prejudice appeals):

First stage – examining the decision to refuse admission

The panel must consider the following matters in relation to each child that is subject of an appeal:

- a) whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and
- b) whether the admission arrangements were correctly and impartially applied in the case in question.

The Panel must then decide whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources.

Consideration of prejudice

Whilst the Panel must take into account the school's published admission number, the Admission Authority must be able to demonstrate prejudice over and above the fact that the published admission number has already been reached. The Panel must not reassess the capacity of the school, but must consider the impact on the school of admitting additional children. In reaching a decision as to whether or not there would be prejudice, the Panel may consider the following factors:

- a) what effect an additional admission would have on the school in the current and following academic years as the year group moves through the school;
- b) whether any changes have been made to the school's physical accommodation or organisation since an admission number was originally set for the relevant year group;
- c) the impact of the locally agreed Fair Access Protocol;
- d) the impact on the organisation and size of classes, the availability of teaching staff, and the effect on children already at the school.

If the Admission Authority fails to satisfy the Appeal Panel on any of these points, the Panel will allow your appeal.

However, in multiple appeals where a number of children would have to be offered a place and the Appeal Panel agree that to admit that number of children would cause serious prejudice, it must proceed to the second stage.

Second stage – balancing the argument

If the Appeal Panel has not found any grounds to allow your appeal at the first stage, it **must** move onto the second stage, which involves balancing the arguments.

The Panel will exercise its discretion and then has to consider the reasons why you wish your child to attend the school and balance the prejudice to the school against your case for your child to be admitted to the school.

The Panel will take into account your reasons for expressing a preference for the school, including what the school can offer your child that the allocated or other schools cannot. If the Panel considers that your case outweighs the prejudice to the school, it will uphold your appeal. The Panel must not take into account where your child is on the waiting list.

In multiple appeals (where there is more than one appeal for the same school and year group), the Panel must not compare the individual cases when deciding on whether a child's case outweighs the prejudice to the school. However, where the Panel finds there are more cases which outweigh prejudice than the school can admit, it must then compare the 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 of at least that number of children.

If your appeal is part of a multiple appeal which runs over one day or longer, no decisions are made until all the appeals have been heard.

23. What is different about In Year Fair Access appeals?

If your in-year application for a school place meets the criteria set out in the locally agreed Fair Access Protocol, your application for a school place will be decided by the local Pupil Placement Panel. They try to consider the needs of your child as well as ensuring no school is required to take a disproportionate number of children with challenging behaviour. In these circumstances, an admission authority may refuse to admit a child even though places are available in the particular year group.

If you are refused a place at one of your preferred schools, this triggers the right of appeal. The appeal will still be heard under the two-stage process described above, however at the first stage, the presenting officer for the school will present their case for refusal, demonstrating how the admission of your child would prejudice the provision of efficient education or efficient use of resources. This applies to in-year appeals only for children who meet the Fair Access Protocol. Further details on this can be obtained from the relevant School Admissions Team listed at the end of this guidance.

24. What is different about Grammar School appeals?

Grammar schools are permitted to select their entire intake on the basis of high academic ability. They do not have to fill all of their places if applicants have not reached the required standard. The Panel can **only** uphold an appeal where it is satisfied that there is sufficient evidence to demonstrate the child is of the required academic standard **and** that prejudice to the school has been outweighed.

If the school has already filled all the available places at the school, then the Appeal Panel must follow the two-stage decision making process, ensuring for each appellant they consider at stage 2, that they decide if they have sufficient evidence to show the child is of the required academic standard.

If the Appeal Panel finds that the child is not of the required academic standard, they **must** refuse the appeal.

If the Appeal Panel have more children who have met the required academic standard appealing than there are places available, then they consider each appeal at stage two as to whether the case has outweighed prejudice to the school. The Appeal Panel must then compare the cases and uphold the appeals with the strongest cases for admission.

It is important therefore that any appellants whose child has not met the required standard provide written evidence of high academic ability as well as showing that their case for admission to the school will outweigh the school's case **and** be a strong case for a place at the school when compared to other appeals being considered at the same time.

If your child has met the required standard yet has been refused a place because of the application of the school's oversubscription criteria (i.e. more applicants who met the standard than places available) – you need to present a case as to why your child should be given a place at the school, despite it being full.

Full details of the statutory guidance regarding appeals for grammar schools can be found in the School Admission Appeals Code.

25. Short Adjournments

It may be necessary for the hearing to be adjourned for a short period, for example, for a break or to clarify a particular issue. If this is the case, both parties will be asked to leave the room. Neither party may be left on its own in the same room as the Appeal Panel. It is possible that a longer adjournment may be required, in which case the hearing can be arranged for an alternative date whilst the information is obtained or considered. If necessary, the Appeal Panel may adjourn more than once although this is very rare.

26. What if I have a disability?

Please let us know if you have any disabilities or special requirements and need assistance at the appeal hearing. We will try and meet these as far as we possibly can.

27. What happens if I need an interpreter / signer or other help?

You may have an interpreter or signer at your appeal hearing. If you would like the Clerk to arrange this for you, free of charge, please ask the Clerk well before the hearing advising of the language you require. Alternatively, if you would prefer, you may arrange for your own interpreter / signer to come with you, but at your own cost.

28. What happens after the appeal hearing?

The Clerk will telephone you with the outcome of the appeal as soon as the Panel has made its decision. This will be on the day of the appeal hearing or for multiple appeals, on the last day of the appeal hearings if these take place over more than one day. **This will just be a brief telephone call to give you the outcome.** A detailed letter will then be sent to you as soon as possible (normally within 5 school days) giving the Panel's reasons for their decision – this may take longer however during busy times.

The decision of the Appeal Panel is binding on you, the School, the Admission Authority and the Local Authority. If the appeal is unsuccessful, there is no further right of appeal. You should contact the Local Authority admissions team to discuss the alternatives available.

If your appeal is successful, you will be advised to contact the school to make arrangements for your child to start as soon as possible.

29. Can I complain?

The Local Government Ombudsman (LGO) can investigate written complaints about maladministration on the part of an Appeal Panel for maintained schools. **A complaint to the Ombudsman is not a further appeal.** It must relate to the **administration** of an Appeal rather than the Appeal decision. Maladministration covers issues such as failure to follow correct procedure or a failure to act independently and fairly. It does not cover the merits of a decision that the Appeal Panel has made.

Complaints about maladministration on the part of an Appeal Panel for an Academy, or that an Academy Trust has failed to comply with the Appeals Code in setting up a panel, are investigated by the Education and Skills Funding Agency (ESFA). This Agency is appointed to investigate complaints about Academies on behalf of the Secretary of State.

Neither the Ombudsman or the ESFA is able to overturn the Appeal Panel's decision but, where they find that there has been maladministration in the appeals process, they may make recommendations for a suitable remedy. For example, they may recommend that an appeal is reheard by a different Panel with a different Clerk.

Details of how to make a complaint to the Local Government Ombudsman or Education Skills Funding Agency will be given in your decision letter.

30. What if I feel that the decision of the Appeal Panel was wrong in law?

If you or the Admission Authority consider that the decision of the Appeal Panel was legally wrong, either party could apply for a judicial review. If a judicial review is granted, the Court would consider the lawfulness of the Appeal Panel's decision. If it found the Appeal Panel's decision to be unlawful or unreasonable (irrational or perverse legally), it could overturn the decision, or it could order a fresh hearing be set up with new Panel Members.

If either party wishes to consider this course of action, they should take independent legal advice as soon as possible, as normally there is a 3-month time limit from the date of the decision.

31. Can I appeal again if my appeal is rejected?

You do not have a right to a second appeal in respect of the same school for the same academic year unless, in exceptional circumstances, the Admission Authority accept a second application from you because of a significant and material change in the circumstances of the parent, child or school, but still refuse admission.

32. Where can I get further support and advice?

In the first instance, contact the Bournemouth or Poole Education Appeals Service who can help you with any queries you may have about this guidance and the appeals process.

Bournemouth

Appeals Officer
Bournemouth Education Appeals Service
Democratic Services
Town Hall
Bournemouth
Dorset BH2 6DY

Tel: 01202 451163

E: schoolappeals@bournemouth.gov.uk

Poole

Appeals Officer
Poole Education Appeals Service
Democratic Services
Civic Centre
Poole
Dorset BH15 2RU

Tel: 01202 633036

E: schoolappeals@poole.gov.uk

Below are other sources of information and advice that you may wish to use:

Bournemouth Children's Information Service (CIS)

The Bournemouth Children's Information Service team is able to assist with enquiries about other aspects of admissions, alternative school preferences and queries about school transport for Bournemouth residents. They can be visited in the Customer Service Centre at the Town Hall Bournemouth or via phone and email as below:

Tel: 01202 456223 Mon – Thur 09.00am – 4.30pm
Email: CIS@bournemouth.gov.uk Fri 09.00am – 4.00pm

School Admissions Team – The Borough of Poole

The Borough of Poole's School Admissions Team can assist with enquiries about other aspects of admissions, alternative school preferences and queries about school transport for Poole residents. They can be visited in the Dolphin Centre, Poole or via phone and email as below:

Tel: 01202 261936 Mon – Thur 09.00am – 5.15pm
Email: school.admissions@poole.gov.uk Fri 09.00am – 4.45pm

Coram Children's Legal Centre (CLCC)

Coram Children's Legal Centre (CLCC) is an independent national charity specialising in law and policy affecting children and young people. CLCC provides free legal information, advice and representation to children, young people, their families, carers and professionals.

Telephone: 08088 020 008 Mon – Fri 8.00am – 8.00pm
Website: www.childrenslegalcentre.com

Advisory Centre for Education (ACE) Advice

The Advisory Centre for Education is an independent national education advice centre which provides information on the education system. ACE produces a wide range of publications which offer helpful advice on children's education.

Telephone: 0300 0115 142 Mon, Tue, Wed 10.00am – 1.00pm term time
Website: www.ace-ed.org.uk

Special Educational Needs and Disabilities Information, Advice and Support Service (SENDIASS)

SENDIASS provide free impartial independent information, guidance and support to parents and carers of children with Special Educational Needs (SEN).

SENDIASS for Bournemouth Residents:

Telephone: 01202 451970 Email: sendiass@bournemouth.gov.uk
Website: <https://www.bournemouth.gov.uk/childreducation/sendias/SENDIASS.aspx>

SENDIASS for Poole Residents:

Telephone: 01202 261933 Email: sendiass@poole.gov.uk
Website: www.poole.gov.uk/education-and-learning/parental-support/poole-send-information-advice-and-support-service/

Independent Parental Special Educational Advice (IPSEA)

IPSEA is a national charity which provides free legally based advice to families who have children with Special Educational Needs

Telephone: appointments to speak to an advisor can be booked via their website

Website: www.ipsea.org.uk

School Admissions Code and School Admission Appeals Code

The school admission process, including the school appeals process must be administered in accordance with the School Admissions Code and The School Admission Appeals Code. These Codes are issued by the Secretary of State for Education and can be viewed at:

<http://www.gov.uk/government/publications/school-admissions-appeals-code>

<http://www.gov.uk/government/publications/school-admissions-code>

Of course, you are free to seek your own advice from other sources if you prefer.

To obtain **Education Acts and relevant regulations**, visit www.legislation.gov.uk

Appendix 1

Glossary of terms and abbreviations

| | |
|--------------------------|--|
| Academy | An Academy is a type of school which receives its funding directly from central government and is independent of direct control by the Local Authority. They employ their own staff and set their own admission criteria. They sometime receive additional support by personal or corporate sponsorship which aims to raise standards and helps explore new ways of working. |
| Admission Authority (AA) | Admission Authority. The body responsible for the school admission policy. This is the Local Authority for Community and Voluntary Controlled schools and the Governing Body for all other Schools and Academies. |
| Admission Arrangements | The arrangements for admitting pupils to schools which include admission numbers, application procedures and timetables, admission criteria, information about waiting lists, and information about how late applications will be handled. |
| Admission Criteria | When a school is oversubscribed, applicants are ranked according to the admission criteria. The criteria set out what categories of applicant have priority for places at a school. |
| Catchment Area | A school's catchment area is a geographical area local to the school and usually listed by streets or shown as a specified area on a map. |
| Community School | A Community School is run by the Local Authority, which employs the staff, owns the land and buildings and decides the admission criteria. |
| DfE | Department for Education. The central government body that issues guidance on capacity of schools, school admissions and appeals. |
| EA / SSFA | Education Act / School Standards & Framework Act. |
| EAL | English as an additional language. |
| EBD | Emotional and Behavioural Difficulties. One of the types of Special Educational Needs. |
| EHCP | Where a child has a high level of Special Educational Needs, the LA will issue a legal document called an Education Health and Care Plan (formerly known as a Statement). This will set out the support that will be provided for the pupil. Where an EHCP also names a school at which the pupil is to be educated, the pupil must be admitted to that school even if it is oversubscribed. |
| Excepted Pupil | The infant class size legislation allows for the entry of an additional child under certain limited exceptional circumstances over the limit of 30. That child is classed as an "excepted pupil". |

| | |
|---|--|
| Equal Preference System | The Equal Preference System was created to prevent admission authorities (particularly where an individual school is the Admission Authority) giving higher priority to parents who make a particular school their first preference. It means that every school preference you express is treated as if it is a unique application. |
| Fair Access Protocol | This applies to casual admissions and establishes a mechanism to ensure access to education is secured quickly for unplaced children, especially the most vulnerable, and ensures that all schools in an area admit their fair share of children with challenging behaviour. This includes admitting children above the published admission number to schools that are already full. |
| Foundation Stage 1 | Reception Year |
| Grammar School | A grammar school selects all (or substantially all) of its pupils on the basis of general (i.e. academic) ability. |
| Indicated Admission Number (IAN) | The number calculated by dividing the net capacity by the number of year groups to be accommodated at the school. |
| Infant class | A class in which the majority of pupils will reach their fifth, sixth or seventh birthdays during the school year. |
| Infant class size legislation | The law which says that an infant class must not have more than 30 pupils in a class with one school teacher. |
| Key Stage 1 | Year 1 and 2 |
| Key Stage 2 | Years 3 - 6 |
| Key Stage 3 | Years 7 - 9 |
| Key Stage 4 | Years 10 & 11 |
| Key Stage 5 | Years 12 & 13 |
| K Register | Replaced the old system of School Action and School Action plus as a way of identifying the children needing support with Special Educational Needs when the school provides interventions. |
| LA | Local Authority. The local government body which has responsibility for the provision of education in its area. |
| Looked After Children (see also previously Looked After Children) | Children who are in the care of Local Authorities as defined by Section 22 of the Children Act 1989. In relation to school admissions legislation, a 'looked after child' is a child in public care at the time of application to a school. |
| Net Capacity | The net capacity of a school is the number of pupil places available according to the DfE's method of calculating space in schools. |

| | |
|----------------------------------|---|
| Normal Admission Round | <p>If applying for a place in a Reception Class, transfer to Junior School or Secondary school to start in the coming September, and the application is made by the deadline given, the application is classed as being in the normal admission round application.</p> <p>If the application is made after the deadline to apply, it is classed as a “late application”</p> <p>If the application is to start at any other time of the year, or is for any other year group, it is classed as an in-year application.</p> |
| Normal Home Address | This is the child’s usual home address and it is used to calculate the distance from home to school where distance is an over-subscription criterion. Evidence of address is always required and admission authorities will investigate applications that they believe may be fraudulent. |
| Normal / Relevant age of entry | The year in which pupils are or will normally be admitted to the school in question (e.g. Reception Year, Year 3 or Year 7). |
| NQT | Newly Qualified Teacher. |
| OFSTED | Office for Standards in Education. A government body which carries out inspections of schools. |
| Oversubscribed | A school is “oversubscribed” when more people have applied for places than there are places available. |
| Oversubscription Criteria | The published criteria that an Admission Authority applies when a school has more applications than places available in order to decide which children will be allocated a place. |
| Pastoral Care | The care and welfare of a child. |
| PSHE | Personal, Social & Health Education. |
| Preference | Parents can express a preference for a particular school but that does not guarantee a place at that particular school. |
| Previously Looked After Children | Children who were looked after (by the local authority) but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order). |
| Published Admission Number (PAN) | <p>This is the number of children to be admitted to a school in a given year. The number depends on the amount and type of accommodation available at the school and is worked out using instructions set out by the Department for Education. It is agreed before the admissions process begins and normally the school will not offer more places than this number.</p> <p>Note – the school is not allowed to admit fewer pupils than the PAN if the school is oversubscribed.</p> |

| | |
|--------------------------------------|---|
| Sibling Rule | Some schools give priority for siblings where one or more of the siblings already attend the school. Siblings can include half, step and adopted children who reside at the same address as the older or younger child. |
| Supplementary Information Form (SIF) | Some schools ask for additional information that is not collected on-line or on the application form, so that they can follow their admission rules, for example faith schools. Always check the school's own website to see if an additional form is required for your application. |
| SEN | Special Educational Needs. These are needs which a pupil has that require extra support in school. |
| SENCO | Special Educational Needs Co-ordinator. |
| TA | Teaching Assistant. |
| Voluntary Aided Schools | These are mainly religious or 'faith' schools, although anyone can apply for a place. The governing body employs the staff and sets the admission criteria. The school's buildings and land are normally owned by a charitable foundation, often a religious organisation. The governing body contributes to building and maintenance costs. |
| Voluntary Controlled Schools | Voluntary Controlled schools are similar to Voluntary Aided schools, but are run by the Local Authority. As with community schools, the Local Authority employs the school's staff and sets the admission criteria. School land and buildings are normally owned by a charity, often a religious organisation, which also appoints some of the members of the governing body. |
| Waiting List | A list of children held and maintained by the Admission Authority when the school has allocated all of its places, on which children are ranked in priority order against the school's published oversubscription criteria. |
| Work places | The unit of measurement used to ensure that the spaces in schools are weighted fairly. |