

School Appeals

Guidance for parents



Northumberland

Northumberland County Council

www.northumberland.gov.uk

School Appeals

Guidance for Parents

It is the policy of Northumberland County Council to comply with parental preference for a particular school wherever possible. However there will be instances when it is not possible to offer a place in the preferred school selected by parents.

If your child has not been allocated a school place you will need to contact our Admissions Team who will let you know which schools have places available.

If your child is not awarded a place at one of your preferred schools, you can appeal to an independent appeal panel against the decision.

You must submit your appeal within 10 school days of receiving your refusal letter.

Frequently Asked Questions

1. What should I do if I think the Admission Authority has made a mistake in dealing with my application?

If you think the Admission Authority has made a mistake you should contact the School Admission team as soon as possible. If, on investigation it is found that you should have been offered a place at your chosen school, the Admission Authority must give your child a place at that school straightaway. You will not have to go through the appeals process.

Appeals are heard by an independent appeal panel of three to five members of the public. You can only make one appeal for each school that does not offer your child a place. If more than one school declines to admit your child, you can make separate appeals, one for each school

2. Why has my application for a place been refused?

The School Admissions Code exempts Local Authorities from the duty to comply with parental preference when doing so would 'prejudice the provision of efficient education or the efficient use of resources'. These form the grounds on which your application has been refused.

All schools must have an admission number for each age group. The admission number is set by the local authority with regard to the capacity of the school. This number forms part of the admission arrangements for a school; once it has been published in the Information for Parents Handbook the Admission Authority for that school cannot admit above that number.

Refusal of a place at your preferred school will be due to the admission number for that specific year group being reached therefore no further places can be allocated by the Admission Authority.

3. When will my appeal be heard?

Middle/High/Secondary school appeals:

- The hearing should take place by 6 July (or the next working day if this falls on a weekend)

First/Primary school appeals:

- The hearing should take place within 40 school days of the appeal being lodged, or before the end of the Summer term, whichever is sooner.
- Appeals for late applications should be included with those being heard for the same admissions round or within 30 days of the appeal being lodged

Appeals outside the normal admissions round;

- The hearing must take place no more than 30 school days after you submit it.

The Admission Authority for the school must write to you at least 10 school days before the hearing to confirm the date. Organisations such as the Advisory Centre for Education (ACE) can give you advice on preparing your case - www.ace-ed.org.uk

4. Who will hear my appeal?

Appeals are heard by an independent panel of three to five voluntary members of the public. At least one will have an educational background.

Panels cannot include members of the Governing Body of the school you are appealing about, staff at the Local Authority or anyone else who may not be sufficiently neutral in making a decision.

You may be asked to attend the hearing with other parents if the panel is hearing lots of appeals for the same school.

Each parent's case will be heard individually. You can also ask someone, such as a friend, to accompany you, but you should not bring your child to the hearing.

A representative of the Admission Authority for the school will also be there to present their case.

The chair of the panel will direct the appeals hearing and make sure that everyone present is treated fairly.

5. Check the rules

In order to be lawful, the Admission arrangements must comply with the School Admissions Code and the SSFA 1998.

Admission rules can change from year to year. They are called Admission Criteria and they are published in our parent's handbook and on the County Council website. The rules are only used to allocate places when there are more applications than there are places available.

If you think we have not followed our rules please talk to a member of the School Admissions Team.

6. Before the hearing

You need to confirm that you can attend the hearing on the date set. If you can not attend on the date of the appeal hearing and it cannot be rescheduled (for example, because it is a multiple appeal involving lots of other parents), the appeal will go ahead in your absence. Your appeal will be decided on the written information you submit. It is important

that you include as much relevant information as you can in order that the panel can make as informed a decision as possible.

You should also provide any written evidence that is asked for in the letter. Members of the school you are appealing for are not allowed to support your appeal, for example by writing a letter for you to take to the hearing.

Letters from your child's current school will not be taken into consideration by the appeal panel, nor will school reports. Northumberland is a non-selective authority therefore such information is not necessary.

You can request information from the Admission Authority to help you prepare your case. Contact a member of the School Admissions Team.

7. What happens at the hearing?

Step one

The Admission Authority's representative explains to the appeal panel the reasons for turning down your application.

The panel decides whether the Admission Authority applied their published arrangements correctly, and whether there was good reason for turning down your application.

Step two

If the panel decides there was good reason for turning down your application, you will still have the chance to state why you are appealing against the decision. You will be able to:

- explain why you believe that the school would be the best place for your child;
- tell the panel about any special circumstances that might justify your child being awarded a place; and
- submit additional evidence or documentation that might be relevant to your appeal, such as a medical note from a doctor to support an application on the basis of a social or medical need

Step three

If the panel decides that your case is the stronger of the two, it will uphold your appeal and your child will be awarded a place at the school. If it finds that the Admission Authority's case is stronger, it will uphold the decision not to offer your child a place.

The decision

The panel's decision is binding - both on you and on the school's Admission Authority - and can only be overturned by the courts.

The panel will let you and the Admission Authority know their decision by post within seven days. If your appeal is successful your child will be offered a place at the school.

8. Can I put my child's name on a waiting list?

In Northumberland waiting lists only apply to transfer groups; admission to Reception, Year 5, Year 7 (primary to secondary schools) and Year 9.

If you are unsuccessful in receiving a place at the school you prefer then your child's name will be kept on a waiting list. Your child's name will remain on the waiting list even if you lose your appeal.

The waiting list will be kept in place until 31 December in the relevant year. No list will be kept after this date.

The waiting list is ordered in the same way as the admissions criteria set out in the admission authorities' admission arrangements. If more than one applicant falls into the same criterion priority will be given to the applicant who lives nearest to the school as measured in a straight line.

Your place on the waiting list can change if other applications are made for your preferred school and they fall into a criterion higher than the one to which you match.

A place on the waiting list does not affect your right of appeal.

9. Is there anything I can do if my appeal fails?

You can't appeal twice for a place at the same school in the same school year unless the Admission Authority agrees that your first appeal wasn't conducted correctly or they accept that there has been a change in your circumstances.

You can apply for a place the following school year, and if your application is refused, you have the right to appeal again.

When the applicant lives in Northumberland, an alternative school will be offered; for example, if the applicant has recently moved into the area, either from outside Northumberland or from another part of the County.

If the alternative school is over the safe walk to school distances (2 miles for first school age children and 3 miles for middle/high/secondary school age children), transport will be provided free of charge.

You may be eligible for home to school transport costs under the category of extended rights for children who claim free school meals or whose parents receive the maximum amount of Working Tax Credit.

Please note

The County Council does not have to offer an alternative school if the child is still on roll at another Northumberland school and the applicant is still living in the same area as when the child started at that school.

Northumberland County Council has no responsibility to children living outside Northumberland.

Accepting the offer of another school does not affect your right of appeal.

10. Can I complain about the appeals process?

Local Government Ombudsman

If you are unhappy about the way the appeal process was carried out you can complain to your Local Government Ombudsman. While they can recommend a new appeal, the Ombudsman can't review or overturn the appeal panel's decision.

If there is a change in your circumstances you may be able to apply to appeal again, if the Admission Authority considers the change relevant to your application.

Appeal panels are independent bodies, so the Secretary of State for Children, Schools and Families cannot review or overturn the decisions of individual panels. They can only

consider complaints about whether the appeal panel was correctly set up by the Admission Authority.

11. Returning your completed form

Please complete the Appeal form in full, sign it (keep the guidance notes to remind you of what the Appeal will involve) and send the completed Appeal form as soon as possible to:

Mrs Linda Papaioannou
Directorate of Personnel and Administration
Northumberland County Council
County Hall, Morpeth
Northumberland, NE61 2EF

Forms must be returned within the time frame stated in the covering letter.

If you would like any further advice or information relating to the administration of appeals please contact:

School Admissions Team, Children's Services
Northumberland County Council
County Hall, Morpeth,
Northumberland, NE61 2EF
Telephone 01670 533661

Important Note

If you are appealing about a place in a reception class in a first school or a primary school

Appeals for a place in a reception class are very hard to win at appeal. Most appeals for places in reception classes fail; only 1% of such appeals are successful.

This does not affect your right to appeal for a place in a reception class.

The law states that infant classes (Reception, Year 1 and Year 2) must not contain more than 30 children taught by one qualified teacher. Admission Authorities may refuse admission on the grounds of 'infant class-size prejudice' to prevent classes exceeding 30 children.

There is the odd rare exception to this rule – for example, when a child moves into the area outside the admissions round and no school in the area has places available. Or if a child is in care or has special educational needs.

An exception will also be made when an appeal for a place in an infant class is upheld. The appeal panel can only uphold infant class-size appeals in certain limited circumstances:

Either

The child would have been offered a place if the admission arrangements had been properly implemented

Or

The child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code and the SSFA 1998

And/or

The decision to refuse admission was not one which a reasonable Admission Authority would have made in the circumstances of the case.

An appeal panel cannot, in its deliberations, force a school into the position of taking what is known as a 'qualifying measure' for example having to provide an additional teaching space or an additional teacher.

Glossary

Academies

Academies are all ability, state funded schools. They have sponsors from a wide range of backgrounds. Sponsors appoint the majority of governors to the governing body, which agrees the academy's admission arrangements with DfE.

Admission Authority

The body which sets a schools admission arrangements. This is either the Local Authority in the case of maintained or voluntary controlled schools or the governing body for all other schools.

Admission Arrangements

The overall procedure, practices and oversubscription criteria used in deciding allocation of school places.

Appeal Panel

An independent panel who hears appeals against admissions decisions.

Catchment Area

A defined geographical area which is used to decide which applications may be given priority to attend a particular school.

Children in Care (looked after children)

Children who are in the care of Local Authorities.

Community Schools

Community schools are schools run by the Local Authority (maintained schools or voluntary controlled schools) which decides on the admission arrangements.

Faith Schools

Faith schools have a particular religious character. They are mostly run in the same way as other state schools. Their faith status may affect their curriculum and their admission policies.

Foundation Schools

Foundation schools are run by the governing body, which sets the admissions arrangements.

Governing Bodies

Every school has a governing body, which often includes parents. Governing bodies promote high standards of educational achievement. They have three key roles: setting strategic direction, ensuring accountability and monitoring and evaluation.

Infant Class Size Limit

Infant classes, where the majority of children are aged five, six and seven, must not exceed 30 children per teacher.

