

Admission to schools

A Parents' guide to the appeals process in Worcestershire

If you can not understand the contents of this document and do not have access to anyone who can translate it for you, please contact 01905 765765 for help.

বাংলা। আপনি যদি এই দপ্তরের বিষয়বস্তু বুঝতে না পারেন এবং আপনার জন্য অনুবাদ করার মত পরিচিতি কেউ না থাকলে, অনুগ্রহ করে সাহায্যের জন্য 01905 765765 নম্বর যোগাযোগ করুন। (Bengali)

廣東話。如果您對本文檔內容有任何不解之處並且沒有人能夠對此問題做出解釋，請撥打 01905 765765 尋求幫助。 (Cantonese)

普通话。如果您對本文文件內容有任何不解之處并且沒有人能够對此問題做出解釋，請撥打 01905 765765 尋求幫助。 (Mandarin)

Polski. eżeli nie rozumieją Państwo treści tego dokumentu i nie znają nikogo, kto mógłby go dla Państwa przetłumaczyć, proszę zadzwonić pod numer 01905 765765 w celu uzyskania pomocy. (Polish)

Português. Se não conseguir compreender o conteúdo deste documento e não conhecer ninguém que lho possa traduzir, contacte o 01905 765765 para obter assistência. (Portuguese)

Español. Si no comprende el contenido de este documento ni conoce a nadie que pueda traducírselo, puede solicitar ayuda llamando al teléfono 01905 765765. (Spanish)

Türkçe. Bu dokümanın içeriğini anlayamazsanız veya dokümanı sizin için tercüme edebilecek birisine ulaşılamıyorsanız, lütfen yardım için 01905 765765 numaralı telefonu arayınız. (Turkish)

اردو۔ اگر آپ اس دستاویز کی مشمولات کو سمجھنے سے قاصر ہیں اور کسی ایسے شخص تک آپ کی رسائی نہیں ہے جو آپ کے لئے اس کا ترجمہ کر سکے تو، براہ کرم مدد کے لئے 01905 765765 پر رابطہ کریں۔ (Urdu)

کوردی سۆرانی. ئنگەر ناتۆانی تییگدی له ئاوێڕۆکی ندم بئێگهید و دهمست به ههچ کس ناگات که وێهێگرێتێوه بۆت، تکایه تهلپۆن بکه بۆ ژمارهی 01905 765765 و داوای رێنۆنی بکه. (Kurdish)

ਪੰਜਾਬੀ। ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮਹੱਤੁ ਸਮਝ ਨਹੀਂ ਸਕਦੇ ਅਤੇ ਕਿਸੇ ਅਜਿਹੇ ਵਿਅਕਤੀ ਤੱਕ ਪਹੁੰਚ ਨਹੀਂ ਹੈ, ਜੋ ਇਸਦਾ ਤੁਹਾਡੇ ਲਈ ਅਨੁਵਾਦ ਕਰ ਸਕੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਮਦਦ ਲਈ 01905 765765 'ਤੇ ਫ਼ੋਨ ਕਰੋ। (Punjabi)

Prejudice and balance

The Authority say the year-group is full. The Admissions Officer has explained her/his statement and you have asked questions. The members of the Panel have listened to this and your personal reasons and are now ready to decide your appeal. The decision is usually in two stages and includes consideration of whether the Admissions Authority has applied its rules correctly.

FIRST STAGE (a) Whether the relevant oversubscription criteria for the school and co-ordinated admission arrangements comply with the mandatory requirements of the School Admissions Code and Part 3 of the SSFA 1998, and whether they were correctly applied in this case (and therefore by implication if they were not, whether the child in question would have been offered a place if the arrangements had been properly applied or did not contravene mandatory provisions);

(b) would there be prejudice caused by letting more children into the year-group at the school? Does the panel agree with the Admissions Authority that the year group is full?

THE PANEL SAY NO OR THE PANEL SAY YES

The Panel disagree with the Admissions Officer

They can agree to admit more children to the particular year-group

The Panel agree with the Admissions Officer

If the Panel have found that there would be prejudice, that is they agree with the Admissions Officer, there is still a **second stage** in their decision making

SECOND STAGE Have you given any special reasons during the individual part of your appeal which are so strong and overriding that they outweigh any prejudice?

THE PANEL SAY YES OR THE PANEL SAY NO

Appeal upheld and a place made available

Appeal turned down

How long will the Appeal process take?

It is difficult to say exactly. As already mentioned if this is a single Appeal about one hour. If there is more than one Appeal you will be given a time for the Admissions

Officer's presentation and then a second time for your individual Appeal. You need to arrive in good time for the first time shown in your letter, this is the start of the Appeal. The waiting time may vary from as little as 5 - 10 minutes up to 2 hours. It is wise, if you are taking time off work, to reckon on either a whole morning or a whole afternoon. A typical timetable may be:

10.00 am Presentation of the case by the Admissions Officer and questions by parents and members of the Panel

Individual Appeals

- 10.45 am** First Appeal
- 11.00 am** Second Appeal
- 11.15 am** Third Appeal
- 11.30 am** Fourth Appeal
- 11.45 pm** Fifth Appeal
- 12 noon** Sixth Appeal

When will I know the decision?

The Clerk will write to you with the Appeal Panel's decision usually within a day or two of it being made, although it may take longer at busy times of the year. This decision is binding on the Admissions Authority. If it is possible to let you know sooner you may be given a telephone number to ring after a certain time.

If this is the case the Clerk or colleague(s) will only be able to give you a "yes" or "no" answer so as not to tie up the line for other callers.

What can I do if I'm unsuccessful?

If you are unsuccessful at Appeal you will be sent details of other courses of action with your decision letter. They are also included in the note at the back of this booklet.

Director of Resources Clerk to the Appeal Panel

Tel Worcester (01905) 766607

Fax Worcester (01905) 728747

Email jhigginbotham@worcestershire.gov.uk

NOTE

PARENTAL PREFERENCE APPEALS GUIDANCE TO PARENTS UNSUCCESSFUL AT APPEAL

Whilst there is no further appeal you may wish to take legal advice on any courses of action open to you.

One avenue that some appellants choose to pursue is a complaint to the Commission for Local Administration in England. The Commission for Local Administration in England, more commonly known as the Local Government Ombudsman, look into complaints about such matters. The Ombudsman may investigate whether you have been treated fairly, although he cannot look at the merits of the decision. Most importantly the Ombudsman cannot award a place at the school for which you have appealed.

The address of the Ombudsman is:

The Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH
Tel. 0845 602 1983 or 0300 061 0614

The Ombudsman has pointed out that he can only investigate the administrative process by which an Appeal Panel has reached a decision; in the absence of any evidence of fault in that process he may not substitute his judgement for that of the Panel on the merits before them. As he points out, his consideration of a complaint about an appeal is not a further stage in the appeal process, as he has no powers to review the decision the Panel made. The crucial question for him to address is whether or not the Appeal Panel followed the correct procedure in arriving at its decision.

Whatever you decide to do there is no guarantee of a place for your child at the preferred school. Once again I must advise you to contact the Admissions Officer who was at your appeal to talk about the options now open to you. The Admissions Officer will be able to talk about waiting lists, alternative schools, transport options and if necessary 'education otherwise' or refer you to someone who can help.

The County Council as Admissions Authority (or the school itself) provides schools for children of statutory school age including First, Middle, Primary and High Schools. This guide explains what happens if you want to appeal.

Education for your child

The law allows you to express a preference for the school you would like your child to attend. However, you do not have an absolute right to choose a school because the law says the Admissions Authority need not meet your preference if the year group in question is full and meeting your preference would prejudice the provision of efficient education or the efficient use of resources.

An Appeal Panel – why?

Because your school preference has not been met by the Admissions Authority the law gives you a chance to put your case to an independent Appeal Panel. The Appeal Panel is your opportunity to put your side of the argument - to have your say.

Where does it all take place?

Meetings are usually held in County Hall. **If you have a disability or a special need which would make it difficult for you to attend, please let me know as soon as possible.**

Who will be at the Panel?

The Appeal Panel is made up of three people who are not members of the County Council who are totally independent and are generally not from your local area.

An officer from the Children’s Services Directorate (or the school) will be present to put the Admissions Authority’s position.

One of my colleagues will be present to act as Clerk. The Clerk will take no part in the decision making but is there simply to advise the Panel on the right way to do things. The Clerk is present to see “fair play” and usually brings a colleague who will take notes for the Panel

Is it like a Court?

No. We want the Appeal to be as informal as possible and not like a Court of Law. You can bring a friend, a member of your family or your neighbour along with you, either to help you say what you want or to speak for you or simply to give you support. There has however got to be a degree of formality to ensure everyone has their say and everyone has an opportunity to ask questions.

The Government have advised the County Council that legal representation ought not be necessary and that Appeals should normally take place in as informal an atmosphere as possible.

So what happens?

We try to make the Appeal informal, but so that everyone gets a say there is a simple order to follow.

It will depend on whether the Appeal Panel is only considering your case, or whether it has a number of Appeals to consider. It has been known for as many as 50 Appeals to be considered over a number of days.

Single Appeals

If yours is the only Appeal you will be asked to come into the room with the Admissions Officer, and the Chairman will give a brief introduction lasting a couple of minutes. The Clerk will already have sent you the Admissions Authority’s case - or statement - and the Admissions Officer will be asked to explain it. After this you will be given a chance to ask questions about the statement. Members of the Panel will also ask questions and rarely the Clerk may ask questions to make clear any points of doubt.

You will then be asked to say whatever you wish in support of your child going to your preferred school. When you have finished the members of the Appeal Panel will have a chance to ask questions, and this time the Admissions Officer may also ask questions of you.

The Admissions Officer will then sum up the Admissions Authority’s case and you will be asked to

sum up yours. **If you feel you have anything left to say please say it now.**

It may help to know that a single Appeal usually lasts under an hour.

Multiple Appeals

Where more than one person is appealing for the same school there will be two parts to the meeting and the table below shows what will happen:-

- | PART 1
(parents present as a group) | PART 2
(with each set of parents seen individually at 15-20 minute intervals) |
|---|--|
| <ul style="list-style-type: none">● Presentation of the Admissions Authority’s statement● Questions by parents, members of the Appeal Panel on the statement | <ul style="list-style-type: none">● Your opportunity to speak to the Panel in private on your particular case● Questions by the Panel and the Admissions Officer● Summing up by Admissions Officer● You have the final word |

The second part of the Appeal is arranged so that you have about 15-20 minutes and a time given so that you have an idea of what time your personal Appeal will start.

What can I say?

It is important that you say whatever you think is relevant to your argument. Don’t think “Oh that’s not really important”; both the Clerk and the Chairman will want to be certain that you don’t leave your Appeal thinking that things have been left unsaid.

Do I need to be at the Appeal?

Please remember that the Appeal Panel have NOT made a decision on your case at this stage and therefore this is your opportunity to provide the Panel with a full picture of all the circumstances surrounding your preference for the particular school in question.

The Appeal Panel can consider your Appeal on any letters or other written material you have sent, but it may help your case if you are there on the day to put your views and answer any questions. Dates for meetings are **usually** during term time so as not to clash with holiday times (please note that Half-term breaks are not considered to be main holidays). Dealing with large numbers of appeals sometimes means dates have to be arranged during school holidays although every effort is usually made to avoid this.

If you know you will not be able to attend an appeal at a certain time let the Clerk know as soon as possible. If it is possible the Clerk will try to make alternative arrangements. **Please remember that if you do not attend the Appeal hearing and the Clerk has not received a reasonable explanation as to why you have not attended the Panel will consider the Appeal on any letters or written material sent.**

Everyone gets their say - but how do the Panel make their decision?

Earlier in this leaflet in the section called “*Education for your child*”, it says that the only way the Admissions Authority can refuse your preference is where they say the year group in question is full and they think it would “prejudice the provision of efficient education or use of resources” to let more children in. This means for example that to let more children into a school year group which is full would be bad for the children already there, especially if there are other local schools with room for them. The Panel have to consider whether the Admissions Authority is correct in its assessment that it would be prejudicial to admit more children to that year group. The decision making process the Panel goes through is explained more fully below.