

FREQUENTLY ASKED QUESTIONS
APPEALS FOR SCHOOLS AND ACADEMIES
CROYDON INDEPENDENT APPEAL SERVICE

What is the timetable and deadline for primary school appeals?

In-year appeals can be submitted at any time of the year.

From the date you receive my appeal form, how long will I have to wait for a hearing?

For block appeals the appeals code states that your hearing must be scheduled within 40 school days of the deadline date for appeals (ie in the summer term only). Appeals received after the deadline stated in section a) of the timetable on page 1 above will be heard before the Autumn term starts, unless they are received after 29 June 2015, in which case they are likely to be heard during the Autumn Term.

For in-year appeals, your appeal will be heard within 30 school days from receipt of your form by the Croydon Independent Appeal Service.

How long will my appeal hearing last?

Each appeal is scheduled to last for half an hour however a majority of appeals tend to last 15 to 20 minutes depending on how much you say at your hearing.

Can I submit further information after I have sent my appeal form in?

Yes, you can submit further information to the Appeals Clerk at any time before your hearing. However the Appeals Clerk requests that wherever possible, this extra information is submitted at least 12 school days before your hearing date. Any medical evidence would need to be submitted at the time of submitting your application or within 12 school days before your hearing date. If you fail to submit further information by the timescales mentioned above, your appeal hearing may be adjourned in order to allow all parties enough time to consider this information or this information may be disregarded by the panel.

How likely is it that my appeal will be successful?

Your appeal will only be successful if the Appeals Panel considers that you have sufficiently proved one or more of the grounds for appeal set out in the separate document "A parents guide to Admission Appeals" on page 8.

For example if the appeal is for a refusal to a school place, (**other than those against decisions made on the grounds of the infant class size prejudice**) from year three of primary school to secondary school, the grounds for appeal have two stages and one or both must be proved in order for the appeal to be successful (upheld).

The first stage is “examining the decision to refuse admission” – The Panel must consider if the school’s published admission arrangement was applied correctly in your case or if the admission of an extra child would “prejudice” the provision of education or the efficient use of resources at the school. For further explanation of prejudice please see page 16, paragraph 3.10 of the School Admission Appeals Code.

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00014-2012>

If the Panel decides that the admission arrangements were applied incorrectly and that your child would have been offered a place had they been applied correctly, they will uphold your appeal ie. your appeal would be successful. Similarly if the Panel decides that the admission of an extra child would not prejudice the provision of education at the school they will uphold your appeal. Otherwise the Panel will go to stage 2.

Stage 2 – “balancing the arguments”. The Panel will consider your reasons for wanting your child to attend the school. The Panel **must** balance the prejudice to the school against your case for the child to be admitted to the school. They will decide whether your reasons for appealing for a place at your preferred school, outweigh the Admission Authority’s reasons for refusing you a place.

Infant Class Size Appeals – These will be for children entering into Reception, Year 1 and Year 2. The law requires that, infant classes of 5, 6 and 7 year olds may not normally contain more than 30 pupils with a single teacher. As such, there are only two grounds on which appeals in this category can be allowed.

- That the child would have been offered a place if the admission arrangements had been properly implemented. Here, the panel must be satisfied that not only the admission arrangements were applied correctly but also, if they had been would the child be offered a place.
- That the decision to refuse admission was not one which a reasonable admission authority would make in the circumstances of the case. (Please see Pg. 21 paragraph 4.10 for the definition of “reasonableness” in the School Admission Appeals Code).

If the Panel decides that the answer to either of the above is yes, then your appeal will be allowed. Otherwise your appeal will be refused. **Please note that, in considering these appeals, the Panel cannot take your personal reasons into account eg. childminding arrangements etc., as in other admission appeal decisions.**

How long will I have to wait for a hearing date after I have sent in my appeal form?

The Appeals code requires that the Independent Appeals Service must send written notice of the date of your appeal hearing at least 10 school days in advance of your hearing unless you have waived this right. However, you may receive notification

earlier than that. You will receive your appeal hearing papers at least 5 school days before your hearing date notifying you of the start time of your appeal.

Can I still appeal if I am on the waiting list for a particular school?

Yes, you can still appeal if you are on the waiting list for the school(s) you are appealing for.

If I appeal for a particular school would it affect my position on the waiting list?

No, your position on the waiting list for your preferred school will not be affected.

Can I appeal for more than one school?

Yes, although you can only appeal for the schools that you have applied for and have been refused a place. You must use a separate form for each school you appeal for.

When will I know the outcome of my appeal after the hearing?

Wherever possible detailed decision letters will be sent by post to appellants after 5 clear school days of the hearing or, where multiple appeals for a school are heard on more than one day, after 5 school days of the last hearing day. In real terms this means the letter will be received within 12 calendar days.

Is it necessary for me to attend the appeal hearing?

You have the right to attend the hearing. Your appeal hearing can go ahead and be heard in your absence or you may wish to send a representative to present your case.

Will I get to see the Admission Authority's case before the hearing?

The Admission Authority will prepare a statement as to why they were unable to offer you a place at your preferred school. This statement will be sent to you along with your appeal submission before the hearing date.

What will I be expected to do at the hearing?

We recognise that some parents may find attending an appeal hearing a daunting experience. There are set procedures which must be followed but the proceedings will be as friendly and informal as possible. As part of these procedures you will be given the opportunity to explain why you feel your child should be given a place at your preferred school. The appeal hearing is confidential and you should include all information that is relevant to your case. You will also be given an opportunity to ask the admission authority any questions about the statement made by their Presenting Officer if you so wish.

Is it possible for me to choose the date of the hearing?

It is not possible to choose the date of your hearing as the Appeals Service work within strict deadlines and often have many appeals to schedule at the same time.

If my appeal is not successful, would I be able to appeal again for the same school?

The Appeals Service will only accept one appeal for your preferred school in any academic year.

How many panel members will there be at the hearing?

Your appeal will be heard by a panel of three people (volunteers) who are independent of the Admission Authority and the school for which you are appealing. The Panel will include at least one person with experience in education or who knows about education conditions in the area, or is a parent with a child at a school. The panel will also include at least one “lay” member, who is someone who has no personal experience in managing a school or providing education, other than as a governor or in another voluntary capacity.

There will also be a Clerk present. 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 Clerk is independent from the school in question and from the education department of the Local Authority.

What happens at the hearing?

The Clerk will meet you in your waiting room and answer any questions you may have regarding your hearing. The Clerk will then take you to the room where the hearing is to take place and show you where to sit.

After introductions by the Chair of the Panel, the following procedure will normally be followed:

1. The Admission Authority’s Presenting Officer will explain why your child has not been given a place at your preferred school.
2. You (or your representative) and the Panel may then ask questions about the statement made by the Presenting Officer.
3. You (or your representative) will be asked to put your case. You should explain your reasons for wanting your child to attend the school. The appeal hearing is confidential and you should include all information that is relevant to your case. You may not be able to add anything after the hearing.
4. The Presenting Officer and the Panel then may ask questions.
5. The Presenting Officer will be asked if they want to sum up.
6. You or your representative will then be asked if you wish to sum up. This is the opportunity to highlight the main reasons for your appeal or to add anything you may have forgotten.

After your appeal, you and those accompanying you and the Presenting Officer will be asked to leave. In some cases you may be asked to wait for a while outside the room in case the Panel wishes to clarify something before you go. The Panel will then make their decision in private. The Clerk will remain to note their decision.

What happens after my appeal?

A letter will be sent by post to you of the outcome of your appeal within 5 clear school days of the hearing or, where multiple appeals for a school are heard on more than one day, within 5 clear school days of the last hearing day. In real terms this means the letter will be received within 12 calendar days wherever possible the result only will be notified to the appellants sooner. If you are successful the school in question should contact you with a start date. If you are not successful then you will need to contact the Admissions Team in the Children, Young People and Learners Department for assistance in securing a school place at an alternative school, if one has not been offered. The Admission Authority's team would also be able to advise you on the position of your child on the waiting list or if you are not yet on a waiting list you can request your child be added to this list.

If I am not happy with the result of my appeal where can I go to next?

The decision of the Independent Appeals Panel is final and binding. However, if you think that the procedures for your appeal have not been followed correctly you can contact:

For Community and Voluntary Controlled schools:

The Local Government Ombudsman
P.O. Box 4771
Coventry CV4 0EH
Tele. Advice Line: 0300 061 0614 or 0845 602 1983 (the advice team is available Monday to Friday 8.30am to 5.00pm)
Email: advice@lgo.org.uk
Website: www.lgo.org.uk

For Academies, Trust and Voluntary Aided Schools:

Parents may complain to the Secretary of State. The agency appointed to investigate complaints on behalf of the Secretary of State is the Young People's Learning Agency. Please see contact details below:

Young People's Learning Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT
academyquestions@ypla.gov.uk

Where can I get information on the position of my child on the waiting list?

For community and voluntary controlled schools, the Admission Authority maintain waiting lists for oversubscribed schools. If you have any queries or further questions on waiting lists you can contact the Admissions Team on 020 8726 6000 or email: school.admissions@croydon.gov.uk

What is the role of the Croydon Independent Appeal Service?

The law requires that the Clerk (and the appeals team) must make arrangements to enable you to appeal to an Independent Appeal Panel if the Admission Authority has not met your preference for the school you wish your child to attend. The Independent Appeal Team is responsible for making the necessary administrative arrangements for hearings, including appointing panel members.

The appeal team will notify you of your hearing time and date and will also be a source of independent advice on the appeals process and procedure. The appeal team have a duty to work to statutory deadlines and will ensure that you receive your appeal papers in time for your hearing including information on what to expect at the hearing. The Clerk will be present at the hearings to ensure that both you and the Admission Authority have the opportunity to present relevant facts at the hearing. The Clerk will assist the panel, admission authority or yourself with procedure and obtaining advice where directed by the chair to do so, but not otherwise participating in the hearing. The Clerk is also responsible for recording the proceedings of the hearing.

The Clerk of the Croydon Independent Appeal Service will then notify you, by letter, of the outcome of your hearing.

I have submitted more than one appeal at the same time, will that enable me to have all my appeals all on the same day?

In the case of block appeals for the new school year, it is unlikely that you will have all your appeals on the same day. Appeals are scheduled in school order and in most cases each school is allocated a day or more on its own. Therefore you should expect that each of your appeals for different schools will not be on the same date.

In the case of “in year” appeals, we will endeavour to arrange your appeals on the same date, however this may not always be possible.

Do I need to bring anything with me to the hearing?

Approximately five school days before the hearing date you will be sent a set of papers comprising of your submission and the Admission Authorities submission. At the appeal hearing, the panel and the Admission Authority representative will often make reference to certain phrases/paragraphs in the hearing papers. Therefore it would be extremely useful for you to bring these papers along to the hearing to enable you to follow the proceedings adequately. If there is anything else that you are required to bring along to the hearing you will be notified by the Appeals Service beforehand.

What happens if I am late for my appeal hearing?

If the Appeal Service have not been notified that you will be late for your hearing, the chair of the appeal panel will use his/her discretion to decide if they will wait a few minutes longer or proceed with your hearing in your absence taking your written submission into consideration. If you have left us with a phone number we may be able to ring you to see if you are on the way. You could also ring the office to let us know

What will happen if I fail to turn up for my appeal hearing without good reason will it still be heard?

If you have stated that you will be attending your hearing and then you fail to turn up or you are late, your hearing will be heard in your absence taking into consideration the information you submitted on your appeal form and any other supporting information. Once your appeal has been heard it will not be re-heard. The Clerk will inform you of the outcome of your appeal by letter.

I do not want to fill in the reasons section on the appeal form as I would prefer to put my case forward at the hearing, is this acceptable?

To ensure your hearing is conducted in a fair manner, we require you to fill in the grounds in which you wish to appeal to enable all parties to prepare for the hearing. The Admission Authority or the school needs to know in advance what case they are to answer. The Panel may feel that they have to adjourn your case if the Admission Authority/school was surprised by something which could have been in writing..

I have a young child that I look after during the day. Can I bring my child with me to the hearing?

Yes. However if you did bring your young child to the hearing, it would be up to the chair of the Panel to decide whether or not to adjourn the hearing if the child becomes too distracting for the hearing to be conducted in an appropriate manner.

Is there disabled access to the hearing venue?

Yes. If you fill in the section on your appeal form asking you if you need any assistance with your requirements on the day of the hearing, the Croydon Independent Appeal Service will make arrangements for them to be met ahead of your appeal hearing.

I do not speak English very well, could I request an interpreter?

Yes. There is a section on the appeal form which asks if you require assistance such as an interpreter and what language you require. If you fill this section in on your form the Croydon Independent Appeal Service will make the arrangements for there to be an interpreter at your hearing at no charge to yourself. If you subsequently decide not to attend the hearing, please inform the appeal service as soon as possible in order that they can cancel the interpreter.

Can I submit a letter of support from staff at the school I am appealing for?

Letters of support from the school you are appealing for must **not** be submitted. The Admission Appeal Code states *“Panels **must not** allow representatives of schools to support individual appeals for places at their school at the hearing itself, or by providing letters of support for appellants. Such support could create conflicts of interest and unfairness to other appellants”*.

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