



SCHOOL ADMISSION APPEALS PARENTS' GUIDE

If you would like a copy of this document in another format, e.g. large print, Braille or another language, please contact the Surrey Schools Appeals Service.

Surrey Schools Appeals Service, Room 135, County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN
Tel: 020 8541 8092

Email: surrey.schoolappeals@surreycc.gov.uk
Website: www.surreycc.gov.uk/schoolappeals

IMPORTANT:

Please read this document carefully before you complete your form as it contains key information and advice you will need in preparing your appeal. It also provides answers to important questions you may have on the appeal process.

Introduction: This guidance is to help families who have not been offered a place at the school they wanted for their child. Although every effort is made to offer your child a place at your preferred school, this is not always possible.

Why didn't my child get a place at the school I wanted?

All parents have a right to express a preference for the school they would like their child to attend. The admission authority must offer a place at that 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 a 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 at to its published admission number.

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.

Accepting 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.

Lodging an 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, whether or not 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 not have lodged your appeal correctly.** Therefore, it is very important for you to state clearly your reasons for lodging your appeal.

Normally you will need to submit your appeal by a certain date. Appeal timetables for community and voluntary controlled schools will be published on the Surrey County Council Website. The timetables for all other schools should be published on the school website. For September entry appeals, no appeals can be heard until after the specified closing date. We will aim to hear September entry appeals within 40 school days of the closing date.

If you wish to make an appeal for immediate entry you will need to lodge your appeal as soon as possible. We will aim to hear your appeal within 30 school days from the date your appeal is lodged.

Please note that appeals are not heard during any of the school holidays. For example if you lodge an appeal close to the end of the summer term in July, it may not be possible to hear the appeal until after the start of the new school year in September.

It is very important to submit your appeal by the specified date as failure to do so could delay your appeal hearing.

Children with an Education, Health and Care Plan (EHCP)

If your child has an EHCP Surrey Schools Appeals Service cannot hear your appeal as this is not allowed under current legislation. If you disagree with the school placement given to your child, you have the right of appeal to the Special Educational Needs and Disability (SEND) Tribunal. Details of this process should have been provided to you with the school place offer and you should contact your case worker for further information and advice on this process.

If your child is currently being assessed for special educational needs or an EHCP you can lodge an appeal up until the point the EHCP is issued for your child. The outcome of an appeal will not always be taken into account when your child is being assessed for an EHCP.

What information should I provide as part of my appeal?

Firstly, it is really important that you complete all sections of the appeal form and make sure that the details you supply are correct.

It is for you to decide what information and documents you wish to include in your case. However, if your appeal is based on medical grounds, you should, where possible, provide written evidence from a medical practitioner to support this. If your case is based on a house move you should provide official confirmation of your new address.

The Appeal Panel will not contact people on your behalf, for example; if you want the Appeal Panel to see a medical report or consider the views of a Social Worker or a previous teacher you will need to get that information yourself and submit it as part of your appeal.

Please do not submit original documents that you wish to keep as all the information and documents you submit as part of your appeal will be retained.

If you submit information or photographs that include other children please make sure that you have parental approval and that you are not in breach of any data protection rights.

Information that you submit will need to be photocopied so it can be submitted to the Appeal Panel. It is your responsibility to ensure that any documentation you are submitting is clear and can be easily copied. All appeal papers are copied in black and white. If you wish to submit information in colour you will need to supply **seven** copies.

Submission of evidence

When you first submit your appeal form, it must contain the written grounds of your appeal. However, you might find that you wish to submit additional evidence and information at a later date.

Supporting information or additional evidence must be **received** by the evidence deadline which will be by 5pm, three clear working days before your appeal hearing. The evidence deadline will be clearly highlighted in your appeal notification letter and again when you are sent your appeal pack. The evidence deadline cannot be changed.

Any information received after the stated evidence deadline might not be considered as part of your case or the Appeal Panel may adjourn your appeal hearing. It will be the Appeal Panel's decision whether or not it should accept any late information.

If you are considering submitting digital evidence please take into account that a copy of this must be supplied in an accessible format that can be kept as part of the official record. At your appeal hearing you will be responsible for supplying a laptop etc for showing any digital information to all parties at the appeal hearing.

If you decide to submit information using email, please ensure that your attachments are in either PDF form or Microsoft Office compatible.

It is not permissible to include any letters of support from representatives of the school you are appealing for. Such support can create conflicts of interest and unfairness to other appellants.

Can I know why previous appeals were upheld for my preferred school?

Previous decisions on school admission appeals do not set precedents so no-one can predict whether your appeal will be successful or not. In addition, school admission 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 individual circumstances.

Who will hear my appeal?

An Appeal Panel is made up of three independent volunteers. There will be at least one person with experience in education. This person will be acquainted with education conditions in the local authority area, or who are parents of registered pupils at school. There will also be at least one lay member. This person will not have had any personal experience in the management of any school (excluding experience as a school governor or in another voluntary capacity).

None of the Appeal Panel will be connected with the school you are appealing for or the school you have been allocated. Appeal Panel Members must not know you.

The Appeal Panel will be assisted by a clerk who is present to ensure your appeal is conducted fairly. The clerk does not have any say at all in the Appeal Panel's decision but is there to:

- Explain what will happen at the hearing and deal with any questions you may have;
- Ensure that all the relevant facts are established;
- Make sure each party is heard in turn and they are given the opportunity to present their case fairly and equally;
- Be an independent source of advice on law and procedures; and
- Record the proceedings, decisions and reasons

The decision of the Appeal Panel is made **independently** of the admission authority.

What Powers does the Appeal Panel have?

The Appeal Panel can either refuse or allow your appeal. It has no other power. An Appeal Panel cannot:

- Attach any conditions if it allows your appeal; or
- Order the admission authority to change your position on the waiting list for the school.

In addition the Appeal Panel will not hear complaints or objections on wider aspects of local admission policies and practice.

What happens after I have completed my Appeal Form?

Once you have submitted an appeal form, an appeal hearing will be arranged by the Surrey Schools Appeals Service. It may be some time before your appeal can be heard. **You will be notified of the date, time and location of your appeal hearing at least 10 school days in advance.** If you have submitted appeals for more than one school it is unlikely that your appeals will all be heard on the same date and you will receive a separate notification for each appeal you have submitted.

Sometimes you may be offered an appeal hearing date with less notice. If this is the case we will discuss this with you to confirm if you are happy for your appeal to go ahead, or if you would like a later date.

At least **seven working days** before your appeal hearing you will be sent an appeal pack which will include all the documents that have been submitted to the Appeal Panel. The pack will include:

- The case for the admission authority outlining how places at the school were allocated and how the admission arrangements for the school apply to your child's application;
- The reason why your child was refused a place at the school;
- A statement explaining how the admission of another child would cause prejudice to the provision of efficient education or the efficient use of resources;
- Copies of any other documents being used by the admission authority as part of its case; and
- The appeal form you completed and any documents you have submitted to support your appeal.

You will need to bring this pack with you to the appeal hearing.

What happens if my ex-partner wants a copy of the paperwork/detailed decision letter?

All correspondence is sent to the named appellant who has completed the notice of appeal form for their child. However, where an estranged partner, with parental responsibility/rights, requires a copy of any of the appeal paperwork, including the detailed decision letter, we would first inform you, as the appellant. Please note that we cannot refuse to send information regarding your child to an ex-partner who is a parent of that child and has parental rights. We can, however, exclude any information regarding yourself if you wish.

Can I attend the appeal hearing?

You will be asked to attend the appeal hearing and present your case in person. It is best for you to attend the hearing if you can as you will be able to answer any questions the Appeal Panel has and you will be able to ask questions yourself of the admission authority's representative. You will also have the opportunity to address the Appeal Panel regarding your case. If it is not possible for you to attend, or you have chosen not to attend the appeal hearing in person, the Appeal Panel will make a decision based on the written information that you have sent in. Your case will be considered in the same way as other appeals.

If you are unable to attend your appeal hearing on the date and time you have been given and it is not reasonably practicable to offer you another hearing date, your appeal will be dealt with on paper. If you fail to attend your appeal hearing on the date and time you have been given and have not notified the Surrey Schools Appeals Service beforehand, your appeal will go ahead and a decision made based on the written information you have sent in.

If your appeal is heard in your absence the admission authority's representative will still be given the opportunity to present the school's case at the appeal hearing and answer any questions that the Appeal Panel may have with regards to the admission authority's case only.

Who can I bring to the appeal hearing?

You can bring a relative or friend with you to the appeal hearing to help you present your case and offer you support.

It is not usual to need legal representation, although you can seek legal advice if you wish and a small number of parents choose to be represented at the appeal hearing by a lawyer or advocate. If you are unable to attend the appeal hearing, you may nominate a representative to attend in your place. If you intend to be represented or accompanied you must let the Surrey Schools Appeals Service know before the appeal hearing.

Appeal Panels must not allow representatives of schools to support individual appeals for places at their school at the hearing itself or in writing.

Most parents do not bring their child to the appeal hearing as in most cases it is not necessary. If you do bring your child and wish them to speak to the Appeal Panel, you need to be aware that the Appeal Panel and other parties may ask them questions as part of the appeal hearing.

Can I withdraw my appeal?

If you have changed your mind and no longer wish to go ahead with your appeal, you will need to contact the Surrey Schools Appeals Service.

What will happen at the appeal hearing?

The clerk will usually speak to you before the hearing and will invite you and the admission authority's representative to go into the hearing at the same time. At the start of the hearing the Chairman will welcome you and the admission authority's representative and introduce everyone present. He or she will explain how the hearing will proceed and ensure that all parties are given a proper opportunity to present their case.

The order of the appeal hearing will depend on whether your appeal is the only appeal for the school or if your appeal is one of many for the same school. If multiple appeals have been received for the same school they are usually considered by the same Appeal Panel. An Appeal Panel hearing multiple appeals will not make decisions on any of those appeals until all the appeals have been heard. When you are notified of your appeal hearing date you will be sent a procedure for the day which will explain in detail the order of the appeal hearing.

For the first part of the hearing all parents are invited to attend. The admission authority's representative will present its case, explaining why the school is unable to take more children into that year group and the issues that would arise if the school had to admit more pupils. All parents and the Appeal Panel will be invited to ask questions.

You will then be given the opportunity to explain to the Appeal Panel all the reasons why you want your child to go to the school in question, why you feel they should be offered a place and what the school can offer your child that the allocated school cannot. The Appeal Panel and the admission authority's representative may ask you questions. If your

appeal is one of many for the same school this part of your appeal will be heard individually without the presence of other appellants.

At the end of the appeal hearing both you and the admission authority's representative will be given the opportunity to sum up your case before the appeal finishes.

What happens after my appeal hearing?

The Appeal Panel will make a decision on your appeal; it must either uphold or dismiss your appeal. If an Appeal Panel decides that your child should be admitted to the school that decision is binding on the admission authority concerned.

Once the Appeal Panel has made its decision you will be notified of the decision in writing as soon as possible. If your appeal was one of a group of appeals for the same school, you will not be notified of the decision until all of the appeals have been heard. This may mean that you will have to wait a few days before you know the outcome of your appeal. The admission authority will also be informed of the decision.

Your first letter will inform you of the outcome of your appeal, this will be followed by a detailed letter, which will include the reasons for the Appeal Panel's decision. The full decision letter is normally sent to you within 5 school days, however, due to the large number of appeals heard for different schools during April – July this is often not possible. A copy of the full decision letter will also be provided to the admission authority.

Can I appeal again if my appeal is unsuccessful?

If your appeal is unsuccessful you cannot normally appeal again for the same school, in the same academic year. If your child's name remains on the waiting list and there have been successful appeals the school may wait until it has dropped back to its published admission number before it starts to offer places from the waiting list again.

There is no right of appeal against the Appeal Panel's decision. If you are concerned that your appeal was not dealt with correctly and the procedures did not comply with the School Admission Appeals Code and believe this may have affected the outcome of your appeal, you can complain to either the Local Government Ombudsman or the Education Funding Agency depending on the status of the school.

Neither the Local Government Ombudsman nor the Education and Skills Funding Agency can overturn the decision of the Appeal Panel, but if they agree with you that your appeal was not conducted properly and this has led to injustice, they can recommend that you are offered a fresh appeal with a new Appeal Panel.

The Local Government Ombudsman can investigate complaints for maintained schools, excluding Academies and Free Schools. Complaints can be made by calling the LGO Advice Team on 0300 061 0614 or online at www.lgo.org.uk/make-a-complaint/fact-sheets/education.

Complaints for Academies and Free Schools must be made to the Education and Skills Funding Agency. Complaints can be made online at www.gov.uk/schools-admissions/appealing-a-schools-decision. Please also see the Education Funding Agency fact sheet at the end of this document which can be downloaded at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692952/Academy_independent_admission_appeal_panel_complaints_factsheet_2018.pdf

How the Appeal Panel makes its decision

Appeal Panels must follow a two stage decision making process for all appeals.

First stage – examination of the decision to refuse admission

The Appeal Panel must consider the following in relation to your child

- 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 your case.

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

The Appeal Panel must uphold your appeal at the first stage where:

- a) it finds that the admission arrangements **did not** comply with admission law or had not been correctly and impartially applied, and your child **would have** been offered a place if the arrangements had complied or had been correctly and impartially applied; or
- b) it finds the admission of additional children **would not** prejudice the provision of efficient education or efficient use of resources.

However, if the Appeal Panel is hearing multiple appeals for the same school and it finds that a number of children would have been offered a place, and to admit that number would seriously prejudice the provision of efficient education or efficient use of resources at the school, the Appeal Panel **must** proceed to the second stage.

The Appeal Panel **must** proceed to the second stage where:

- it finds that the admission arrangements **did** comply with admissions law and that they were correctly and impartially applied to your child; or
- it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied but that, if they had complied and had been correctly and impartially applied, your child **would not** have been offered a place; or
- it finds that the admission of additional children would prejudice the provision of efficient education or the efficient use of resources.

When deciding whether prejudice would be caused to the school with the admission of an additional child, the Appeal Panel must take into account the school's published admission number. The Admission Authority must demonstrate in its written and verbal submissions during the appeal hearing that prejudice would arise over and above the fact that the published admission number has already been reached.

In reaching a decision as to whether or not there would be prejudice to the school the Appeal Panel may consider a number of factors for example:

- what effect the admission of an additional child would have on the school in the year group and following academic years as the year group moves through the school;
- whether any changes have been made to the school's physical accommodation or organisation;
- the impact on the organisation and size of classes;
- the amount of teaching space available at the school
- the availability of teaching staff and additional support and intervention provided to children.

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.

Second Stage – balancing the arguments

Even if the Appeal Panel accepts the Admission Authority's case that prejudice would occur if an additional child were to be admitted, the Appeal Panel can still decide to admit your child to the school if it feels that the case you put forward outweighs any prejudice to the school. If the Appeal Panel believes that there are strong and compelling reasons for your child to get a place at the school, it can direct the Admission Authority to give your child an additional place at the school.

The Appeal Panel must balance the prejudice to the school against your case for your child to be admitted to the school. It must take into account your reasons for expressing a preference for the school, including what you feel the school can offer your child that the allocated or other schools cannot. Therefore it is important that you explain fully in your appeal your reasons for wanting your child to go to the school. You will only get one chance to do this, so you must tell the Appeal Panel everything during the appeal hearing and ensure that you have submitted any documents you wish to use to support your case in advance of your appeal hearing by the stated evidence deadline.

If the Appeal Panel is hearing more than one appeal for the same year group at the same school (multiple appeals) it must balance the arguments for each appeal on an individual basis. However, if the Appeal Panel finds that there are more appeals that outweigh the prejudice to the school than the school could cope with, it must compare the cases and only allow those appeals with the strongest case for admission.

The Appeal Panel may decide after hearing your appeal that your case does not outweigh the prejudice to the school. If this is the case the Appeal Panel **must** refuse your appeal.

COMPLETING YOUR APPEAL FORM

Please ensure you have read these Guidance Notes before completing your appeal form. This form is only applicable for all Surrey community and voluntary controlled schools and only those voluntary aided, trust or foundation school, free school or academy schools that have delegated responsibility for organising appeals to the Surrey Schools Appeals Service. If unsure please contact the Surrey Schools Appeals Service to ensure there is no delay in your appeal being heard and/or closing dates being missed.

If you wish to appeal for places for two or more children at the same school or you have decided to appeal for a place at more than one school, please complete separate appeal forms (you may make photocopies of the blank appeal form).

The numbered paragraphs below correspond with the questions numbered on the appeal form. If you wish to change any answers on your form please contact the Surrey Schools Appeals Service (020 8541 8092) as soon as possible, as this may affect the date and time of your appeal hearing.

Questions Sections 1 - 8

Please give full details as requested. If unsure contact the Surrey Schools Appeal Service.

If your child is already of statutory school age, admission will usually be at the next appropriate point in the school term, subject to discussion.

If you wish your correspondence to be sent to another address, please include a note of this address. If you are moving to a new address please inform us of the details and date you will be resident at your new address.

Question 9 - 10

You are strongly recommended to attend the appeal hearing in person to present your case. You may be accompanied by a friend or be represented.

Question 11

If the 2nd parent wishes to attend the hearing or you agree that they can contribute and/or we can discuss your appeal with them please give details. However, it remains your responsibility to inform them of the hearing details and share papers and information.

Question 12

If you are being represented please give us the contact details and details of their relationship to your child. Copies of appeal papers will only be sent to any representative in exceptional circumstances. If you feel this applies to you please call the Surrey Schools Appeals Service once you receive your letter with details of your appeal hearing.

Question 13 - 14

Please give details in the space provided if you have a disability, need assistance or any other accessibility difficulties or if you require an interpreter or signer. Please state which language you speak if you wish the Surrey Schools Appeals Service to arrange for an interpreter or signer to be present at your appeal hearing. Please note you may arrange for your own interpreter or signer if you prefer but please let us know as soon as possible.

We cannot guarantee any special requests can be met but cannot consider them if we are not aware of them.

Question 15

If your child has a full current education, health and care plan please tick the box provided.

Question 16

If you have any other children in your household please give details of each child in the section provided. This will give the Appeal Panel an idea of your family set up with regards to any potential logistical difficulties you may experience in getting children to different schools. You may also wish to expand on this in your "Reasons for Appealing". This information is not used for data collection but if you do not wish to give it please leave this section blank.

Section 17

Reasons for Appealing

This is your 'written statement' in which you should set out fully the reasons why you think your child should be admitted to the school you named in question 6. When writing your reasons for appealing it is important that you state everything you consider relevant to your child's appeal. You may add extra sheets if there is not sufficient room on the appeal form to detail your reasons for appealing. Please ensure you write your reasons clearly or type them. You should also refer to "How the Appeal Panel makes its decision" before completing this section.

NB: An appeal has to be made in writing setting out the grounds on which it is made as stipulated in the School Admission Appeals Code 2012. Any appeal form received without any grounds of appeal will not be considered to have been lodged properly and will be returned to you.

Extra Evidence

Please enclose with your appeal form copies of any letters and/or documents that you wish to be taken into account at your appeal hearing. In order for an Appeal Panel to give appeals full consideration it is advisable for parents to submit all written evidence as soon as possible to enable it to be sent prior to the hearing. The Surrey Schools Appeals Service will not request further information on your behalf. You are responsible for submitting any evidence you wish the Appeal Panel to consider as part of your case.

Additional information and evidence supporting your appeal should be RECEIVED by the Surrey Schools Appeals Service as soon as possible but no later than 5.00pm on the day preceding 3 clear working days prior to the appeal hearing. Evidence RECEIVED after this deadline might not be considered by the Appeal Panel.

Allegations

If you make any allegations about another school, the Local Authority reserves the right to investigate such statements.

Other useful addresses

DEPARTMENT FOR EDUCATION (DfE)

General Enquiries:

Piccadilly Gate
Store Street
Manchester M1 2WD

Tel: 0370 000 2288

Website: www.gov.uk/contact-dfe

The DfE publishes a School Admissions Code and School Admission Appeals Code, which gives guidance that must be followed. Copies of the Codes can be downloaded from the link below, which also contains links to additional advice and guidance:
www.gov.uk/government/publications/school-admissions-appeals-code

OFFICE OF THE SCHOOLS ADJUDICATOR

Mill Street
London
SE1 2BE

Tel 0870 0012468

Email: osa.team@osa.gsi.gov.uk

Website: www.gov.uk/government/organisations/office-of-the-schools-adjudicator

THE CORAM CHILDREN'S LEGAL CENTRE

The Coram Children's Legal Centre provides free, independent advice on the admissions process and a range of education issues including bullying and exclusion, via the Child Law Advice Service. They can be contacted on 0300 330 5485 or on their website:
www.childlawadvice.org.uk

ACE Education Advice

You may find it useful to contact ACE – an organisation who support parents by providing online advice and information via its website on a broad range of education topics.

Website: www.ace-ed.org.uk

Surrey SEND Information, Advice and Support Service (SSIASS)

Third Floor
Consort House
5-7 Queensway
Redhill
Surrey RH1 1YB

Tel: 01737 737 300

Email: ssiass@surreycc.gov.uk

Website: www.sendadvicesurrey.org.uk

EDUCATION FUNDING AGENCY FACT SHEET

Complaints about an academy independent admission appeal panel

This factsheet sets out the types of complaints parents / legal guardians can raise with the Education and Skills Funding Agency (ESFA) about academy independent admission appeal panels ('panels'). All references to 'academies' also cover: free schools, university technical colleges (UTCs) and studio schools. Complaints about panels for local authority maintained schools should be referred to the Local Government Ombudsman.

Complaints EFA can investigate

We can only investigate complaints about panels that did not follow the procedures set out in the School Admission Appeals Code 2012.

Examples include:

- the panel did not take relevant information into account in reaching its decision, or it took irrelevant information into account
- the admission appeal decision letter you received following the panel hearing did not give clear reasons for the decision
- you were not given an opportunity to state your case without unreasonable interruption
- the panel wasn't set up or run in accordance with the Appeals Code

Where we find that something went wrong which could have affected the panel's decision, we will recommend that the academy reviews its appeal procedures and ask the academy to hold a fresh appeal with a different panel.

Complaints beyond EFA's scope

We can't consider an appeal complaint if it was held more than 6 months ago, unless there is a good reason for the complaint being delayed.

We cannot overturn the panel's decision. A panel is independent and decisions can only be challenged in court through a judicial review, for which independent legal advice should be sought.

Arranging panels is not within our remit - you should contact the academy directly to request an admission appeal.

Making a complaint

Details of how to make a complaint to EFA are available in the admission appeals guidance.