

## GUIDANCE NOTES FOR PARENTS/GUARDIANS

### SCHOOL ADMISSION APPEALS EXPLAINED

Please read these notes carefully.

#### Appeals against admission decisions

If your child has been refused a place at a Barnet school you have the right to appeal to an independent Appeal Panel. This is your opportunity to explain your reasons for wanting to send your child to the school and the independent Appeals Panel will decide if those reasons are strong enough to overturn the decision of the Admission Authority for the school.

#### Where can I get independent advice before making an appeal?

The Advisory Centre for Education provides free independent advice and information for parents on admission issues and can be contacted on 0808 800 5793.

#### What will the Independent Appeals Panel consider / How does the Panel reach its decision?

For infant classes (that is Reception, Year 1 and Year 2) the government has set a limit of 30 children per class per school teacher. The Panel can **only** uphold the appeal if:

- A. it finds that the admission of your child would not breach the infant class size limit; or
- B. it finds that the admission arrangements did not comply with admissions law or were not 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
- C. it decides that the decision to refuse admission to your child was not one which a reasonable admission authority would have made in the circumstances of your case. Paragraph 4.10 of the School Admission Appeals Code states *“The threshold for finding that an admission authority’s decision to refuse admission was not one that a reasonable authority would have made is high. The panel will need to be satisfied that the decision to refuse to admit the child was ‘perverse in the light of the admission arrangements’ i.e. it was ‘beyond the range of responses open to a reasonable decision maker’ or ‘a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it”.*

**This means that, if you are appealing for a place in Reception, Year 1 or Year 2 where the class already has 30 children in it, the grounds on which the Panel can uphold your appeal are very limited.** You must state on your appeal form how either A, B or C above apply to your case.

**As the grounds for upholding an infant class size appeal are very limited, the percentage success rate is minimal with only a couple of every 100 appeals being successful. Your personal reasons for wanting a specific school or the difficulty in transporting your children to and from school is unlikely to be a good reason why your appeal should be upheld. Parents are therefore advised to make an informed decision about whether to submit an appeal.**

Also having a place in the school's nursery will not guarantee you a place in the Primary School. You will still have to apply for a place and will be subject to the school's admission arrangements.

For all other appeals (Years 3 to 11), the Panel goes through a two stage process when making its decision.

- (a) The first stage is where the Panel have to decide whether the admission arrangements for the school were properly applied and, if so, whether giving your child a place would prejudice the provision of efficient education or the efficient use of the resources at the school, that is to say whether the school will experience difficulties if it admits another child. If the Panel finds that there would be no prejudice then it must uphold your appeal and your child will be admitted to the school.
- (b) If the Panel finds that there is prejudice then it must go on to the second stage. This is the balancing stage, where the Panel reaches its decision by weighing the difficulties the school would experience if it took another child against the strength of your case. If the Panel decides that your case outweighs the difficulties of the school, your appeal will be upheld and your child will be admitted to the school. Otherwise, your appeal will be unsuccessful.

### **What happens at the appeal hearing**

Appeals are normally held at the Town Hall, The Burroughs, Hendon, NW4 4BG. You will be told in advance when your appeal will be heard. You can come to speak to the Panel and explain why you think the LA has not acted reasonably and in accordance with their policies and procedures relating to the admission and accommodation of pupils.

You can be accompanied or represented by a friend, adviser, interpreter or signer who may speak on your behalf. Your 'friend' or adviser at a hearing can be a Choice Adviser, a locally elected politician or an employee of the local education authority such as an educational social worker, Special Education Needs (SEN) adviser or learning mentor, provided this will not lead to a conflict of interest. You are free to have legal representation at the appeal hearings if you wish, but this ought not to be necessary. It is important to bear in mind that the hearing is not intended to be a platform for a debate on the law.

If you cannot come to the hearing, you can be represented.

Your appeal will be heard in private. However, several appeals may be heard in succession on the same occasion and the parents/guardians concerned will be together at the beginning of the session to hear general introductions and explanations.

At your hearing, you will be asked if you have any objections to the Panel Members hearing your appeal or whether you know them. Do say so if you know any of the Members and how you know them, and also if you have any objections to any of them. You and the Panel will then decide whether or not your appeal should be heard by someone else. If it is agreed that your appeal should be heard by someone else, the Business Governance Officer will contact you and arrange for your appeal to be heard as quickly as possible.

## **Who will be at the appeal hearing?**

### The Independent Appeal Panel (IAP)

The Panel will be three people. One of the Panel members will act as "Chairman". The Chairman conducts the order of proceedings. Any decision made by the Panel must be accepted by the council.

### Business Governance Officer (Clerk to the Independent Panel)

The Business Governance Officer organises the meeting, takes notes during the meeting, makes sure that the Panel carry out the procedures properly and records the Panel's decisions. The Business Governance Officer takes no part in the decision making process.

### Legal Adviser

The Legal Adviser does not attend the appeals as a matter of course. The Legal Adviser may be called in if there are any issues which the Panel feels they require advice on. The Legal Adviser's role is to advise the Panel only. The Legal Adviser takes no part in the decision making process.

### The Local Authority (LA)

A representative from Education Department (LA's representative) will explain why the LA thinks that to admit more children to the school(s) would lead to problems in providing an efficient education and efficient use of resources.

The only people who make the decisions are the Panel. The Business Governance Officer stays in the room with the Panel whilst they make their decisions, again to make sure that they are carrying out the procedures properly and to take the notes of the Panel's decisions. The representative from the LA is not there.

After you have said all that you want to say, and asked all the questions you want to ask, and the Panel are sure that they have all the information they need, you can go home, and the representative from the LA can leave.

The decisions will be made once all the appeals have been heard. Each appeal is considered very carefully by the Panel. You will be given the name of someone that you can telephone and details of when you can telephone and find out what happened. The Panel's decision and reasons will be sent to you in writing, where possible within 5 working days.

## **Is the Panel's decision final?**

The Panel's decision is binding on the school and the Admission Authority. This means that if your appeal is successful, the school must admit your child. If your appeal is not successful your child's name may remain on the waiting list at the school if you wish.

There is no further right of appeal. However, if you feel that the appeal panel has not been properly set up or has not followed procedures correctly you can complain to the Local Government Ombudsman. You should note that the Ombudsman cannot overturn the Panel's decision as this can only be done by the courts.

## **What happens next**

If your appeal is allowed, your son or daughter can start at the school as soon as all the arrangements can be made.

If your appeal is not allowed, you will need to find a school for your son or daughter. The Admissions Team, Building 4, North London Business Park, Oakleigh Road South, London, N11 1NP, can help you. You can telephone the Team on 020 8359 7620.

### **What do I do now?**

You have submitted your appeal and it has been registered. Whilst you are waiting for your appeal date you can:

- if there are any other papers that you would like the Panel to see, please send them to the Independent School Admission Appeals, Governance Service, London Borough of Barnet, North London Business Park, Oakleigh Road South, London, N11 1NP. Any further evidence that was not sent with the initial appeal should be sent five working days before the date of your hearing. Any information or evidence not submitted by the deadline might not be considered at the appeal but, if you provide anything new too close to the hearing date which the Panel thinks may be significant, the Panel may need to adjourn to allow all parties the opportunity to consider it. The Panel needs everything important to your case at the time of your hearing, for example:
  - **if your reasons include any medical conditions your child or a member of the family has - doctors letter(s) confirming this**
  - **If your child is being bullied at present school - corroborating evidence from the school etc.**
  - **If you have just moved into the area and do not have a school for your child - a Utility bill or Council Tax demand to confirm the address**

**Please note that we will not send back send original documents so please send photocopies.**

- think about what you want to say to the Panel; whether you have any questions; you might want to write a few notes to help you
- think whether you would like someone to come with you or for you if you cannot come yourself
- visit other schools; the Admissions Department at North London Business Park may be able to help you

If you have already submitted appeals for more than one school, sometimes they may be heard by the same panel, sometimes they will be heard by another panel. You will be advised when your appeals will be heard.

- 1. If your first language is not English and you want an interpreter at the hearing, please let me know. We may be able to provide one for you or you could bring along a friend or family member to interpret for you.**
- 2. Hendon Town Hall has lifts and toilets suitable for wheelchair users. All our Committee Rooms also have induction loops.**
- 3. Hendon Town Hall has changing facilities for babies.**