



Croydon Independent
Appeals Service

A Parents guide to
Admission Appeals

**If you find it easier to read large print, use an audio tape, Braille or need to communicate in a language other than English please let us know.
Tel: 020 8726 6000 ext: 61559 / 61402**

Contents

Introduction	3
Completing the Appeal form.....	4
Preparing for your Appeal hearing.....	5
The Appeal Panel	6
Attending the Appeal hearing	7
The Panel's decision	8
Further guidance.....	9
School admission Appeal rules of procedure	10

Reviewed February 2012

© Copyright Solomon Agutu and the London Borough of Croydon

Introduction

The Croydon Independent Appeals Service (CIAS) arranges appeals against refusal of admission to a school and appeals against decisions to exclude from a school. This information is about Admission Appeals.

Your right to an admission appeal

If it has not been possible to offer your child a place at your preferred school, you have the right, by law, to appeal to an independent appeal Panel.

We know that deciding to appeal and going through the appeals process can be a worrying and anxious time. With this mind, we hope that the information contained in this leaflet will help to clarify the appeals system.

Deciding to make an appeal

If it has not been possible to offer your child a place at your preferred school, you may decide that you want to exercise your right of appeal against this decision.

When considering whether to appeal, it is important that you are aware that although the law allows you to have the opportunity to appeal against admission decisions, it does not give your child the right to a place at a particular school. There is no guarantee that your appeal will be successful.

This information relates to schools for which the Independent Appeals Service can arrange an admission appeal. These schools are:

Infant and Junior Schools

These are the schools listed in the "Admissions to Primary Schools" Booklet, where there is a (C) next to the name of the school. There are two exceptions to this in the case of Parish Church CE and St Marks C of E where the Croydon Education Appeals Service arranges appeals for these two schools.

Secondary Schools

These are the schools listed in the "Transfer to Secondary Schools" Booklet. They have the word ("Community") next to the name of the school.

For all other schools you must read the refusal letter as the letter will tell you where to submit your appeal. If the letter says that the appeal will be dealt with by CIAS then this information applies to you as well.

Your Appeal to the Croydon Independent Appeals Panel will be administered by the Clerk to the Panel.

Completing the Appeal Form

- Complete the appeals form using black ink or typescript.
- You can download or complete your form on line at www.croydon.gov.uk
- Include as much information as you can, particularly in the section which asks you to give your reasons for wishing to appeal. Here, you should explain, as fully as you can, the reasons why you want your child to attend the school that you have been refused. If you do not think that your application has been treated correctly or fairly, or in accordance with the admissions criteria, then you should explain why you think this is the case.

Attach additional paper or pages if you need to. If you do use additional papers leave a margin on the left hand side.

- If there are medical factors involved in your reasons for appealing (which have arisen since your original application for the school was made) it is important that these are supported by a letter from your doctor. This should be sent with your completed appeal form.
- You may include any other letters, correspondence, written reports or documents to support your case.
- Ensure that your form is returned to the Clerk to the Appeal Panel at Croydon Independent Appeals Service, 5th Floor, Taberner House, Park Lane, Croydon, CR9 3JS by the specified deadline.
- Please make sure that you have included as much information as you can and that you have enclosed all the supporting documentation for your appeal. This is important because, if, for any reason, you do not attend the hearing and the Panel decides to proceed without you then the Panel will make a decision based on your written submission.
- Your completed form, and any additional papers that you submit with it constitutes your written case for appeal. It will be sent to all members of the Independent Appeal Panel in advance of the appeal hearing. It will also be sent to the Admission Authority for a reply.
- You will need to complete a separate form for each school you are appealing for.

Appeal Rules

Your appeal will be administered in accordance with the Appeal Rules which are listed from page 10 of this booklet.

Preparing for your Appeal

The Clerk will make arrangements for your case to be heard by an Independent Appeal Panel ("The Panel"). Your appeal will normally be heard within 30 school days of receiving your appeal form, or in the case of primary to secondary transfer or admission to reception class appeals, within 40 school days of the closing date for lodging appeals. If we have to return your form to you because of errors or omissions the 40 day rule for hearing your appeal will not start until the Clerk has received your properly completed form. The refusal letter will give you the deadline for submitting an appeal. The deadline for 6th form appeals are slightly different and will be set out in the refusal letter. You will receive notice, at least 10 working days in advance, of the time and place of your appeal.

Five working days before the hearing date you will be sent the papers for your case.

These will include:

1. a copy of your appeal form;
2. a copy of any supporting information submitted with your appeal;
3. a written statement from the Admission Authority explaining why your child has not been offered a place at the school;
4. any further information specific to your individual case.

Before the day of the appeal hearing you might wish to prepare yourself by:

- Studying the procedures for the hearing.
- Making a note of any questions you may have about your appeal.
- Making sure you have looked at the Admission Authority's case (which is included in the papers you will have received for the hearing).
- Spending some time deciding what you would like to say when the Panel invites you to explain your reasons for wanting your child to attend your preferred school.
- Reading your appeal form and ensuring that you have submitted all the paperwork to support your appeal.
- Deciding who will attend the hearing. You may bring a member of your family, a friend or other representative with you to help you make your case or simply to give you support.
- If you need an interpreter or any other type of assistance to help you at your hearing, please ensure that you have advised the Clerk in advance.

Grouped Appeals

These appeals deal with children starting school for the first time or transferring to secondary school. The Panel will hear these types of appeals in blocks. The Clerk groups these types of appeals together in accordance with which school an appellant is appealing for and as far as reasonably practicable the same Panel will conduct the hearings.

Time and Place of Hearing

Appeals are usually held at the Town Hall, Katharine Street, Croydon. On average they take 30 minutes. However, Parents may take as long as is necessary to present their case.

The Appeal Panel

What is an Independent Appeal Panel?

The law requires that the Admission Authority appoint a Clerk to make arrangements for you to appeal to an independent Appeal Panel where the Admission Authority has not met your preference for the school you wish your child to attend.

The composition of the Appeal Panel and the procedures it follows are governed by the School Admission Appeals Code of Practice issued by the Secretary of state.

The Appeal Panel can either refuse your appeal or allow your appeal. It has no other powers. The Panel's decision is binding on the school and the Admission Authority.

The Panel Members

Your appeal will be heard by a Panel of three or five people who are independent of Croydon Council and the school for which you are appealing. The composition of the Panel is in accordance with the School Admissions Appeals code of practice.

Who will be present at the appeal hearing?

The appeal hearing is confidential and no members of the press or public are allowed to attend. Only the following may be in the room

1. The Panel members comprising the Chair and two (or four if it is a Panel of five) others. For training purposes a trainee Panel member may also be invited to observe the hearing.
2. You (and your partner) and anyone else you may choose to bring with you as a representative, adviser or interpreter or friend. Children are not encouraged to be present at the hearing and will not be expected to speak.
3. A Presenting Officer from the Admission Authority and sometimes a representative from the school.
4. The Clerk to the Appeal Panel (to give guidance and legal advice to the Panel). For training purposes a member of the Clerk's staff may also be present.

Attending the Appeal Hearing

You are strongly advised to come to the appeal hearing as this is your opportunity to put your case to the Panel. If you cannot attend, your appeal may be considered on the basis of whatever written information you have provided. We recognise that some Parents may find attending an appeal hearing a stressful experience. There are set procedures which must be followed, but the proceedings will be as friendly and informal as possible. Everyone there will try to help you be at ease.

What will happen on the day?

The Clerk will meet you in the waiting area and answer your questions about the hearing and will then take you to the room where the hearing is to take place. The Clerk will show you where to sit.

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

1. The 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. 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 may then ask you questions.
5. The Presenting Officer will be asked if they wish 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 this, 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.

The Panel's Decision

The Appeal Panel will consider all the information that you and the Presenting Officer have presented to the hearing. They will usually make their decision on the same day as the hearing, or, if there is more than one appeal for the same school, on the day of the last hearing. The Clerk will write to you to inform you of the Panel's decision. A copy will be sent to the Admission Authority.

How does the Panel make their decision?

Appeals for children aged 5 to 7 entering infant classes

These will be for children entering into the Reception Year, Year 1 or 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 not only that admission arrangements were not applied correctly but also, if they had been, the child would have been 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.

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.

Appeals for all other children

There is a two stage process for deciding these appeals.

Stage 1 – Factual Stage

The Panel must consider if the school's published admission criteria were applied correctly in your case or if the admission of an extra child would 'prejudice' the provision of education at the school.

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 they will uphold your appeal. 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 Stage

The Panel will consider your reasons for wanting your child to attend 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.

Further Guidance

This booklet is intended as a simple guide for Parents who find themselves involved in the appeals process. If you have questions or queries which are not covered in this guide, you can contact:

The Clerk to the Appeal Panel
Croydon Independent Appeals Service
Democratic & Legal Services
4th Floor, Annex
Bernard Weatherill House
8 Mint Walk
Croydon CR0 1EA

Tel: 020 8726 6000 ext 61559/61402
Email: admission.appeals@croydon.gov.uk

A copy of the School Admission Appeals Code of Practice is available on the DfE website at www.education.gov.uk

For independent advice, you may find the following organisation helpful:

ACE Education Advice & ACE Education Training
36 Nicholay Road
London N19 3EZ

Email: enquiries@ace-ed.org.uk

If you think that the procedures for your appeal have not been followed correctly you can contact

For Academies:

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

For Schools:

The Local Government Ombudsman
PO Box 4771
CV4 0EH

Tel: 0300 061 0614
Fax: 024 7682 0001
Website: www.lgo.org.uk
Text: Text 'call back' to 0762 480 3014

School Admission Appeal Rules of Procedure

1. Under section 94(1) and (2) of the School Standards and Framework Act 1998("the Act"), Parents have the right to appeal against an admission authority's decision refusing their child admission to a school. These Rules are made under section 84(3) of the Act with due regard to the Admissions Appeals Code of Practice. These rules apply to appeals submitted on or after 1 February 2012.
2. Some of these rules require certain things to be done within a number of "working days" or "school days". A "working day" is any day except Saturday, Sunday or a day when the Admissions Authority offices are closed for a holiday. A "school day" is any day except a day when the school is in recess and includes a training day. In these rules a "Parent" includes any person who is not the Parent of a child but who has Parental responsibility for him (as defined by the Children Act 1989) or who has care for him. An "Admission Authority", for community and voluntary controlled schools is the Council (unless the Council has delegated this duty to the Governing Body). For Voluntary Aided schools, Trust schools, Foundation schools and Academies, the "Admission Authority" is the Governing Body of the school.

Making an Appeal

3. Any Parent can appeal to the Independent Appeal Panel. Appeal Panels will often have to handle appeals from a number of Parents who all wish their children to be admitted to a particular school. In these circumstances the Appeals Clerk may arrange for one Panel with the same members to consider all the appeals for that school.
4. If you want to appeal you must apply in writing to the Appeals Clerk. Your appeal can be made on a form supplied by the Appeals Clerk, but it does not have to be.
5. Your appeal must state your name and address and the school appealed for and must make clear the grounds of appeal. If your appeal does not make this clear, the Appeals Clerk must ask you for more information. If you do not give this information, the Clerk may not process your appeal further.
6. If the Clerk thinks your appeal is not one that the Panel has power to deal with, the Clerk will turn down your appeal. The Clerk must explain why your appeal has been turned down.
7. Unless the Appeals Clerk turns down your appeal, the Clerk must send a copy of your appeal to the Admission Authority. The Clerk must do this not more than 5 working days after receiving your appeal. If your appeal is not complete or is not clear and the Clerk has to ask you for more information your appeal will be treated as if it has not been received until the information is provided.
8. A copy of your appeal must be sent to the Admission Authority by the date, not more than 5 working days after the Officer receives the full information.

9. When a copy of your appeal has been sent to the Admission Authority, the Appeals Clerk will write to tell you that this has happened. Not more than 5 working days after you receive the letter you must send the Appeals Clerk a copy of any letter or document that you have that has anything to do with the appeal. If you fail to comply with this rule your appeal will still be heard by the Panel but the Panel may adjourn in order to allow the Panel and the Presenting Officer the opportunity to consider the late information.

How the Admission Authority replies to an Appeal

10. When the Admission Authority is sent a copy of an appeal, the Admission Authority must reply to it.
11. The Admission Authority's reply to an appeal must be in writing. In that reply the Admission Authority must comply with paragraph 2.9 of the Schools Admissions Appeal Code and in particular they must provide a written statement summarising how places at the school were allocated and summarising the reasons for the decision appealed against.
12. The letter from the Clerk sent to the Admission Authority will also give information about the date set aside for hearing the appeal. The Admission Authority's reply must be sent to the Clerk at least 12 school days before the hearing date.
13. With the reply the Admission Authority must send the Appeals Clerk a copy of any letter or document as specified in paragraph 2.9 of the Admissions Appeal Code of Practice. In particular, the Admission Authority must send a copy of the Parents' appeal form and a copy of the decision letter.

Before the Panel Meeting

14. The Panel will normally meet to consider the appeal not more than 30 school days after the date the Appeals Clerk received a valid appeal. If the Clerk has to ask the Parent for more information before the appeal can be accepted, the Panel must meet not more than 30 school days after the date the Clerk received the requested information.
15. The Clerk must give the Parent, the Presenting Officer and anyone representing them at least 10 school days notice of the hearing (not including the date of the hearing or of sending out the papers) and notice of when and where the Panel will be meeting. Documents may be sent electronically but only with the agreement of all the parties concerned. When documents are sent electronically by the Clerk, they will be sent in pdf format.
16. The Clerk must send the Parent and the Admissions Authority (or a person representing them) copies of any letters or documents which the other side has sent to the Clerk. The Clerk will not sift out what they consider to be inappropriate material.

-
17. Parents may be represented by a friend, adviser, interpreter or signer who may speak on their behalf at the hearing. Parents may also be represented by a Councillor or a Member of Parliament. If a Parent intends to be represented at the hearing the Parent must tell the Clerk, not less than 5 working days before the Panel meets. The Clerk will tell the Admission Authority not less than 3 working days before the Panel meets.

Postponing the hearing

18. If the Parent or Admission Authority ask for the hearing to be postponed, the Clerk can postpone it if the other side agrees.

Withdrawing the appeal

19. An Appeal can only be withdrawn if the Parent requests this in writing.

The Admissions Appeal Panel Hearing

20. An Independent Appeal Panel hearing can have three or five members: each Panel must have at least one lay member and at least one person with experience in education or who is a Parent of a registered pupil at a school.
21. The pool from which a Panel has to be appointed must include persons without personal experience or provision of education in any school. It is permissible to have persons who have experience as governors of other schools, or who have been involved in education in any other voluntary capacity ("lay member") also persons with experience of education who are experienced with educational conditions in the area or persons who are a Parent of a registered pupil at a school ("experienced member").
22. A teacher or a teaching assistant must not sit on a Panel hearing an appeal against decisions about admissions to their school.

A person must not sit on an a Panel considering an appeal against a decision if they were amongst those who made the decision, or provided information which contributed to the decision.
23. A person must not sit on a Panel if the appeal concerns Parents who are connected in any way with the person's business or social interests.
24. A person must not sit on a Panel if the appeal is one where the person has previously assisted or advised the Parent.

The Panel Meeting

25. The Independent Appeal Panel is to be chaired by one of the members of the Panel.
26. The Independent Appeal Panel must not consider an appeal in the absence of any member of the Panel.

27. The Clerk or another qualified person nominated by the Clerk is to attend meetings of the Independent Appeal Panel as a Clerk.
28. If the Parent or the Admission Authority fails to attend the meeting of the Panel, the Panel can still go ahead and consider the appeal.
29. Subject to rules 31 and 32 below the Panel can adopt whatever procedure seems appropriate as long as the Panel allows both sides to put their case fully and makes sure that both sides have a fair and reasonable hearing without unreasonable interruption. In particular, the Panel must allow both sides to attend, to see all written material and evidence, to be represented, to be accompanied by a friend or adviser, to bring witnesses and to put questions to witnesses brought by the other side.
30. All appeals, other than those against decisions made on grounds of infant class size prejudice must follow a two stage process consisting of a first stage, establishing the facts and a second stage, balancing the arguments as set out in paragraphs 3.1 to 3.10 of the School Admissions Appeal Code.
31. In the case of infant class size appeals the Panel will follow the process set out in section 4 of the School Admissions Appeal Code.
32. Unless the Parent, the Admission Authority and the Panel agree otherwise, only the following people can be present while the Panel meets: The Parent and the Parent's friend, interpreter, adviser or representative; the Admission Authority Presenting Officer and one additional representative; witnesses; and the appeal Clerk.
33. The Panel can adjourn or, if it seems more convenient, decide that the appeal should be considered anew by a different Panel.

Multiple Appeals

34. Where the Clerk receives multiple appeals for the same schools for pupils starting infant or transferring to secondary schools, the appeals may be grouped together and heard by the same Panel over a period of days in accordance with rules 36 to 39 below.

Grouped Multiple Appeals

35. Grouped multiple appeals are where the Presenting Officer's case in respect of the school is heard once for the first step of the appeal in the presence of all Parents, including any representatives, who may question the case.
36. If the Panel concludes that prejudice exists, it will be necessary to move to the second step. At this stage, the appeals of all the Parents must be heard individually without the presence of the others, and be given consideration of whether the admission arrangements were properly applied. Decisions will not be taken until all the appeals have been heard.

Individual Multiple Appeals

37. Individual multiple appeals are where the Presenting Officer presents the case at the first stage, followed immediately by the individual Parent's case in the order of the hearing set out above. In these circumstances, the Panel will hear the admission authority's case repeatedly for each Parent. Where there are large numbers of appeals, the Appeals Clerk may decide, to arrange grouped multiple appeals.
38. During the first stage, where the Presenting Officer is arguing that prejudice would arise, the case will always be the same. At the start of the hearing, the Clerk must explain that the Presenting Officer must not produce new evidence or expand on the case in subsequent appeals, as Parents whose cases were heard earlier in the process will not have had an opportunity to consider and respond to that new evidence. However, if significant new evidence comes to light during the questioning of the Presenting Officer, the Clerk must ensure that the Panel considers what bearing that evidence may have on all previous and subsequent appeals and advise the Panel on how to proceed fairly. This may entail adjourning the hearing to give all Parents the opportunity to consider and challenge the new evidence.

The Panel Decision

39. Whilst the Panel is considering its decision, everyone except the Panel members and the Clerk must go out of the room.
40. If all the members of the Panel cannot agree on their decision, the decision of the majority is to be the decision of the Panel.
41. The Panel must record its decision in writing and include in that decision its findings on material questions of fact and its reasons. If the decision is not unanimous, the decision must include the reasons for the minority's dissent.
42. A copy of the decision must be sent to both sides within 3 working days of the meeting of the Independent Appeal Panel.
43. Independent Appeal Panel decisions are not public documents and will not be made available by the Appeals Clerk for the public to inspect.
44. If the Panel's decision contains clerical errors or omissions, these can be corrected at any time with the authority of the Chair of the Panel.
45. The Panel may authorise the payment of the travel and other out of pocket expenses of the Parent where it feels it appropriate to do so.

Urgent Appeals

46. If an appeal can reasonably be regarded as "urgent" the Clerk can reduce any of the non statutory time limits set by these Rules.

