

SCHOOL STANDARDS AND FRAMEWORK ACT 1998
THE CATHOLIC SCHOOL OF SAINT GREGORY THE GREAT
INFORMATION ABOUT SCHOOL ADMISSION APPEALS

1. The Appeal System

1.1 Purpose of Appeal

The choice of school for your child is obviously very important to you. If you are not happy with the place allocated, you may want to have this decision reviewed by a Body that can act independently and make a fresh allocation, if that is thought to be right. This is the purpose of the School Admission Appeal System.

1.2 The purpose of this leaflet is to explain the Appeal System. If you decide to appeal, every effort will be made to help you. Please do not be put off from making an Appeal because of doubts about your ability to present your case. The Panel will be interested in the reasons for your choice of school, not your skill as an advocate.

1.3 Legislation and Code of Practice

It is necessary to have some basic rules for dealing with Appeals (e.g. setting a final date for Notice of Appeals helps the Panel to deal with all Appeals in the fairest possible way). However, the rules are kept to a minimum. The procedure that will be followed is based on the School Standards and Framework Act 1998 and on a Statutory Code of Practice published by the Department for Education (DfE). In addition the Panel takes account of the Code of Practice on Admissions, published by the Department for Education. Copies of these documents can be seen on the DfE website at www.education.gov.uk. The Panel is subject to supervision by the Administrative Justice and Tribunals Council.

1.4 Further Information

If you decide to appeal please read this leaflet carefully. The appeals are organised on behalf of the Governing Body by the Democratic Services Unit of the County Council and, if you need any more information you should contact any of the following Officers in the Unit:

Stephen Bace 01452 324220
Alison Wantenaar 01452 425094

1.5 Appeals covered by this Leaflet

This leaflet applies to admissions to the infant age group where you are objecting to a refusal to give you a place because to do so would take the number of pupils in the class over 30.

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2. When to Appeal

2.1 Admission to Primary or Secondary Schools

Parents can ask for a child to be admitted to a school in any school term. Most appeals, however, concern transfer of pupils from Primary to Secondary Schools, the choice of first Primary School, or the choice of Primary or Secondary School when moving into a new area.

2.2 Review of Allocation

You should not make a formal appeal without first having received a final decision letter.

2.3 Deadline Dates

You may appeal for entry on one occasion in each school year. Your final decision letter from the School will indicate a specific deadline date by which your appeal must be made. Appeals for admission within the school year (called “ad hoc” appeals) should be made within the time limit indicated in the final decision letter. If you intend to appeal, you are strongly advised to give notice within the time limit, if that is possible.

3. How to Appeal

3.1 Statutory Requirements – The School as the Admissions Authority is required to make arrangements for parents to express a preference for the school at which they wish their child to be educated. Under Section 86(2) of the School Standards and Framework Act 1998 the Admissions Authority must comply with any preference unless:

- (a) Compliance with the preference would prejudice the provision of efficient education or the efficient use of resources.
- (b) Admission arrangements for the preferred school are wholly based on selection by high ability or aptitude and the admission of the child would be incompatible with selection under those arrangements.
- (c) Admission would be incompatible with co-ordinated admission arrangements covering two or more maintained schools which have been approved by the Secretary of State.
- (d) The child has been permanently excluded from two or more schools and at least one of the exclusions took place after 1 September 1997.

Note Prejudice of the kind referred to in (a) above may arise by reason of measures required to be taken in order to ensure compliance with the duty imposed by Section 1 (6) of the

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School Standards and Framework Act 1998 (duty of Local Education Authorities and Governing Bodies to comply with infant class sizes.)

With regard to (d), the requirement to comply with parental preference does not apply for two years after the second exclusion. This does not apply to children below compulsory school age, or to pupils reinstated after exclusion. A permanent exclusion is regarded as taking effect from the first school day the Headteacher has told the pupil not to attend the school. If your child is in this situation, please contact the Democratic Services Unit for further advice.

3.2 Deciding to Appeal

Your final decision letter (which should have reached you with this leaflet) will explain the reasons why your child has not been offered a place at your preferred school. Consider these reasons carefully, in the light of the Statutory Reasons for Refusal (paragraph 3.1) and the reasons for wanting your preferred school. You should also have regard to the Published Admissions Policy, a copy of which can be obtained from the School.

3.3 Notice of Appeal

Your notice of appeal must be in writing, setting out the grounds on which it is made. Please use the Appeal Form attached to this leaflet.

3.4 Reasons for Appeal

The Statement of Reasons for your appeal is important. It is not enough to state that the reasons will be explained at the Appeal Hearing. Write down any reasons for your preference of school that you want the Appeal Panel to consider.

As you have been refused a place under the implementation of the Class Size Regulations you are strongly advised to bear in mind that the Appeal Panel can only decide in your favour on 2 grounds i.e.

- if there was a mistake made in the Admissions process which affected the allocation of a place to your child.
- Or
- if the School as the Admissions Authority has not acted in a “reasonable manner” in refusing to allocate a place at your preferred school.

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The Code of Practice defines not acting in a reasonable manner as 'perverse in the light of the admission arrangements', i.e. 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.

It is helpful if your grounds for appeal can explain your views on these two areas.

3.5 Documents

If you want the Panel to consider any letters or documents, you should enclose a copy with your Notice of Appeal (or, if the document is bulky, explain what it is and indicate what relevant information it contains). The Panel will only consider documents put forward by you or by the School. It will not have read any files of correspondence between you and the school.

3.6 Supporting Evidence

Consider whether any of your reasons for appeal need to be supported in some way. For example, if you believe that there are medical reasons for allocating a place at your preferred school consider whether you should ask your doctor for a letter commenting on your claim. The Panel will consider any written evidence you provide.

Whenever possible please attach any supporting documents to your appeal form. If you are not able to supply supporting documents with your appeal form you should try to provide a copy by the deadline date given in your appointment letter. The Panel will consider any written evidence you provide before the deadline date. However any material submitted after this date may not be considered by the Panel.

3.7 Attendance

It is in the interests of all concerned for parents to attend hearings, if that is possible. You may be accompanied by a friend, or you can ask someone else to represent you. Please let us know if you intend to do this. However it is not appropriate for you to be accompanied by a teacher from your child's current school. It is for you as parents to decide if your child should be present at the appeal hearing. If you wish to bring your child with you please let us know in advance.

If you are not present, the Panel will consider the case very carefully on the basis of any written representations that you have made when giving notice of your Appeal, together with the School's Statement, any documents supplied by either of you, and the published Admissions Policy. However, the Panel members will not be able to ask you

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questions about your case and you will not be able to question the Presenting Officer.

3.8 Special Needs

If you have special problems in attending the Hearing (perhaps because you have a disability) or if there is any other information that you think is relevant, please include the information in a separate letter.

3.9 Sending the Notice

When you fill in the Appeal Form, send **one** copy of it to the Democratic Services Unit at Shire Hall, Westgate Street, Gloucester, GL1 2TG. The **second** copy of the form is to be sent to The Catholic School of Saint Gregory The Great, St James Square, Cheltenham, GL50 3QG. The third copy of the form is to be retained by you. Forms can be sent by e-mail to democratic.services@gloucestershire.gov.uk and admin@st-gregorygreat.gloucs.sch.uk

3.11 Delay

Please send in your Notice of Appeal as soon as possible. If there is an important document that is not available, do not hold up your Notice of Appeal beyond the deadline date, but add a note detailing the document you are waiting for. Please remember that you should aim to send the missing document(s) before the deadline given in your appointment letter to ensure that they are considered by the Panel.

4. Arrangements for the Appeal Hearing

4.1 Date and Place

Most Appeal Hearings for reception entry will take place from the middle of June to the end of July. Appeal Hearings are also arranged regularly throughout the year. If you are making an ad hoc appeal, you will be offered an appointment for the next appropriate date. This may occasionally be more than four weeks from when you lodge your Appeal. All Hearings will be during normal office hours and if possible held in a place that is reasonably accessible to you. A letter will be sent to you two weeks before the Hearing, telling you when and where it will be held. Every effort will be made to deal with appeals on the date allocated. It is difficult to rearrange Appeal dates without affecting the timetable for other Appeals. However, if you want to be present but are genuinely unable to attend on the date allocated, please telephone the numbers given in paragraph 1.4 as soon as possible, explaining why you cannot attend on that date.

4.2 At least a week before the Hearing date, you will be sent a copy of the School's Statement that the Panel will consider. This Statement should explain the application of the published Admissions Policy to your case

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and the reasons for deciding to refuse a place at the school of your choice by reference to Section 86 of the School Standards and Framework Act 1998 (see paragraph 3.1). The Statement may make reference to the reasons given by you for your Appeal and your original explanation of the reasons for your preference, where those are not the same. Your Notice of Appeal and the School's Statement, together with other documents supplied by you or the School will also be copied to the Members of the Appeal Panel. On occasion, it may be necessary to ask you to supply additional copies yourself of the other documents you would like the Appeal Panel to consider. If this is the case, you will be informed of this at the earliest opportunity and, in any event, by the time you are offered an appointment.

- 4.3** If there was any document that you were unable to supply with your Notice of Appeal, please send a copy as soon as it is available, so that the Panel members and the Presenting Officer from the School can read it before the Hearing.

Any documents provided after the deadline date will only be considered if the Panel agrees, having taken into account the significance of the material and the implications if the Hearing has to be adjourned to allow time for everyone to read and consider the additional paperwork.

5. The Appeal Hearing

5.1 The Appeal Panel

Membership of the Appeal Panel comprises one lay member, one parent and either another lay member or parent. The Panel is independent of the School. None of the members will have been connected with the allocation, or with any schools concerned. The Panel must take account of your preference and the School's arrangements for allocating pupils in excess of the published admission number, if that is thought to be justified in all the circumstances. It will base its decision on the allocation of pupils and on the circumstances of each case.

5.2 Attending the Hearing

If you decide to attend the Hearing, please wait in the waiting area until you are called into the room where the Appeal will be heard. Every effort will be made to hear appeals at the time stated in the letter that is sent to you, but, sometimes, earlier appeals may take longer than expected.

5.3 Who may be Present?

Appeals will be heard in private. The three members of the Appeal Panel will, of course, be present, together with usually one Officer from the Democratic Services Unit to make notes and advise the Panel on matters of Law and procedure (but not to participate in the decision making). The

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School will normally be represented by a Presenting Officer who will enter and leave with you.

5.4 The Appeal Hearing will follow the procedure set out in the Code of Practice. This may make the Appeal Hearing appear rather formal; however, every effort is made to put parents at their ease and give them every opportunity to present their case. The procedure is based on fairness and will normally be as follows.

1. Parents and Presenting Officer called in, Chairperson to introduce everyone and explain procedure and decision process.
2. Presenting Officer to explain the Council's case.
3. Parents to ask questions of Presenting Officer.
4. Panel to ask questions of Presenting Officer.
5. Parents to explain reasons for appeal.
6. Presenting Officer to ask questions of parents.
7. Panel to ask questions of parents.
8. Presenting Officer to sum up.
9. Parents to sum up.
10. Parents and Presenting Officer to leave.
11. Panel to discuss the case and come to a decision.

5.5 The Appeal Panel will make its decision on the basis of the information supplied by you and the School. The members of the Panel will have some background knowledge of the school allocation system, but they will not have had a briefing about your case. They will not be given confidential information about your case that is not available to you. Confidential information about other children or their families will not, of course, be made available to you.

5.6 Documents

The Panel will have copies of:

- a. Your Notice of Appeal and any relevant documents sent therewith.
- b. The School's Statement, which will have been supplied to you at least seven days before the Hearing, together with any documents sent with the Statement.

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- c. Information published by the School relating to arrangements for the admission of pupils.

5.7 Witnesses

It should not normally be necessary for witnesses to be called (a letter or report will normally be sufficient), but the Panel may agree to hear evidence from witnesses if it would be relevant to the Appeal. If you wish to bring witnesses, please let me know before your appeal hearing.

6. After the Hearing

6.1 The Decision

The Panel will make its decision after you and the Presenting Officer have left the room. It is, first of all, necessary for the Presenting Officer to have satisfied the Panel that the School as the Admissions Authority was legally entitled to refuse a place at your preferred school on one of the grounds in Section 86 of the School Standards and Framework Act 1998 (see paragraph 3.1). If the Panel is not satisfied that one of the Section 86 grounds applies, then your Appeal must be allowed. Once the Panel is satisfied that the School was legally entitled to refuse a place at your preferred school, it must then consider if the decision was not one which a reasonable admission authority would make in the circumstances of the case.

The Panel may also need to consider the consequences of allowing all or only some appeals for the same school and the grounds for each of those appeals.

6.2 Adjournment

It is often necessary for the Panel to defer making a decision, e.g. to allow it to hear a number of competing claims for the same school or to give parents and the Presenting Officer an opportunity to discuss a possible solution.

6.3 Announcing a Decision

When a decision has been made, it will be notified to you in writing as soon as possible, with a statement of the reasons for the decision if your wishes have not been met.

6.4 The Effect of the Decision

If your Appeal is successful, it will be binding on the School. If your Appeal was not successful, it might still be possible for the School to offer you a place if vacancies occur later. If you are still interested, you should contact the School and ask to remain on the waiting list.

6.5 What Next?

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There is no further right of appeal against the Appeal Panel's decision. However, if you consider that there has been maladministration in the way the decision has been reached, then you may complain to the Local Government Ombudsman. Further information about the circumstances in which complaints may be made and the relevant address can be obtained from the Democratic Services Unit. It is also possible for an application for judicial review to be made, but you would be advised to seek legal advice if you consider this course of action. The Secretary of State cannot review decisions of individual Appeal Panels, but can consider whether the Appeal Panel was correctly constituted or whether the Admissions Authority has acted reasonably in exercising its functions in respect of the Appeal Process.