



Symphony Learning  
TRUST

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# Admission Appeals Policy 2018-2019

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Adopted by Symphony Learning Trust on	Spring 2017
Ratified by Trustees	Spring 2018
Date of next review	Spring 2019

*Please note, for the purpose of this policy, the word, 'parent(s)' refers to any adult who has legal responsibility for a named child.*

## **Background**

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If a child has been refused a school place, parents can appeal.

If a parent has applied as part of the normal round of admissions, and has been refused a school place for their child, the child will be automatically placed on the school's oversubscription (waiting) list.

## **Oversubscription List (OSL)**

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The position of child will appear on the Oversubscription List will depend on how closely they meet the school's admissions priority criteria – (see Your Guide to Education for more details.)

If a place becomes available, and the child is at the top of the list, parents will be contacted automatically to offer you the place.

The OSLs for Leicestershire Symphony Trust Schools are maintained by Leicestershire County Council's School Admissions Service.

## **Appeals**

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If a parent wishes to appeal, it will be to the 'admitting authority' responsible for the school.

The schools in Symphony Learning Trust use the Leicestershire County Council's appeals service to conduct their appeals. Parents must therefore use the council's procedure to make their appeal.

## **The appeals procedure**

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Before parents can appeal, they must have applied and been refused a school place.

## **Guidance**

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This guidance is intended to be read alongside the admission appeal form to provide parents with guidance in completing the appeal form and information relating to the admission appeal process. The guidance applies primarily to appeals against the decision of the local authority to admit a child to a school however, some information is also included which will be applicable to appeals against the decision of a local governing body academy not to admit a child.

### PARENTS RIGHTS

Parents have the right to appeal if they do not accept the decision of an admission authority not to offer a place at a particular school. The admission authority may be the local authority, the governing body of a school or an academy depending on the type of school that has been applied to.

An Independent Appeal Panels ("IAP") will be set up to hear appeals relating to admission and the local authority, governing body or academy will have to abide by any decision that the IAP reach. IAP and appeals within Leicestershire County Council are administered by the Legal Services Department on behalf of the County Solicitor. They are not administered by the part of the local authority which is responsible for education or the allocation of school places. The County Council is responsible for any appeal in relation to a school in Symphony Learning Trust. Legal Services will be asked to make the necessary arrangements in relation to an appeal, and to convene an IAP,

on behalf of the trustees of the MAT. The IAP that will look at an appeal will usually consist of three members, although in some cases they may be five. At least one of the members will be a lay person which will be a person without personal experience in the management of any school or the provision of education in any school (except as a school governor or in another voluntary capacity). There must also be a person on the IAP who has experience in education and is familiar with the educational conditions in Leicestershire or who is a parent of a pupil registered at school. It is important to note that the IAP are completely independent of the admission authority and the school to which an appeal relates. No member of the IAP will have had anything to do with the decision against which any parent is appealing or any connection to the school any parent is appealing for. These arrangements are in accordance with the requirements set out within the School Admissions (Appeals Arrangements) Regulations 2012 and the Department for Education's "School Admission Appeals Code" ("the Appeals Code").

A copy of the code can be downloaded from

[www.gov.uk/government/publications/schooladmissions-appeals-code](http://www.gov.uk/government/publications/schooladmissions-appeals-code).

At the hearing, a clerk will also be present to act as an independent adviser to the IAP and this will usually be an officer from Legal Services. The clerk's role is primarily to provide independent advice on procedure and admissions law and to keep an accurate record of proceedings. It will also be the clerk that writes to parents once an IAP has made a decision on an appeal to confirm that decision and to explain the reasons for it.

#### THE APPEAL FORM

The Appeals Code states that that an appeal must be in writing and must state why a parent is appealing. The form is aimed at finding out some basic information about the parents and the child and the reasons for appealing. If a parent wishes to appeal, they should complete the form giving as much information as possible and send the completed form so that Legal Services receive it within the specified time limits. Further information regarding these time limits can be found on the County Council's website or through the Customer Service Centre on 0116 3056684.

With the appeal form any documentation that a parent wishes to be considered in support of your appeal should be included. All documentation should be sent to Legal Services no later than three working days prior to the hearing. Whilst parents are able to submit documentation at any time up to (or during) the IAP hearing, if documentation is provided later than three working days prior to the hearing, it will be up to the IAP as to whether they will take such documentation into account. Parents should also note that if they do provide a large quantity of documentation at a late stage (even if it is more than three working days) then it may be necessary for the hearing to be adjourned to a later date.

#### HOW THE APPEALS ARE HANDLED

When an appeal is submitted, Legal Services will request paperwork to be provided from the school setting out their case in writing. This will then be sent to parents and, from this, parents will then be able to see the detail as to why the application for a place was unsuccessful and why the school is unable to admit any more children. Parents will also be notified of the date and time that the IAP will meet in order that they can make any necessary arrangements to attend the hearing, if they wish. There is no obligation on parents to attend an IAP hearing however it can be helpful for IAP's to hear parents reasons for appealing in person and to ask them questions to ensure that they have all the information that they need. A few days before the IAP hearing to discuss the appeal, each member of the IAP will be sent a copy of the completed appeal form together with any other supporting documents which parents may have sent and a copy of any evidence submitted by the school. The IAP will review this documentation in advance of the hearing and, in doing this, we have found that parents do not need to go over everything they have written but can focus on their important points. At the same time parents will be sent details of the identity of the IAP

members. Parents are asked to check this information on receiving it and if they know any of the members of the IAP they should contact Legal Services immediately as it may be necessary to identify another panel member to attend for the appeal. The emphasis on the appeal hearing is informality although the IAP's are required to follow certain procedures by law. Further information on these procedures can be found in the Appeals Code. The IAP hearing will consist of a presentation by or on behalf of the admission authority following which parents and the IAP will have the opportunity to ask questions of the admission authority. After this, parents will then have the opportunity to tell the IAP about the reasons for appealing and both the IAP and the admission authority will also have the opportunity to ask you questions about what parents say. Parents and the admissions authority representative will have the opportunity to sum up your position at the end of the hearing if they wish to do so. IAP hearings are held in private and are confidential. As such, IAP hearings are not open to the public or press. The key aim of these hearings is to give every parent a fair opportunity to put their point of view to the IAP. Appeals will usually be heard at County Hall and parents will normally be told at least two weeks in advance when parents appeal will be considered, although parents may be asked to agree to shorter notice in some circumstances.

Often there are a number of appeals for the same school. In that case, the LA will try to arrange for the same IAP to deal with all the appeals for that school where possible. If there are a lot of appeals for the same school, the IAP will probably have to meet on more than one day but, in any event, it will not reach a decision until it has listened to all those appeals. Where an IAP is handling more than one appeal, it is helpful if appeals are looked at in groups. In this instance, the IAP will hear the case on behalf of the admission authority with all parents present. By doing it in this way, time can be saved and parents involved benefit because they can help each other in asking questions of the admission authority representative and in getting their views across to the IAP.

To ensure that parents are able to speak to the IAP without other parents being there the L.A arrange hearings so that parents will be given the opportunity to tell the IAP about their particular case on an individual basis. At this stage in the hearing, only the IAP, clerk and admission authority representative will be in the room although the IAP will not make any decisions until it has heard each parent's case.

## REASONS FOR APPEALING

The appeal hearing is parents chance to put forward their views and to ask questions. The L.A will send to each member of the IAP, in advance of the hearing, copies of anything parents send them to support the appeal. In this way the IAP will know why parents are appealing.. In writing down your reasons for appealing, parents should bear in mind the following points:-

- Unless parents tell the LA about it, neither the LA nor the IAP will know about what parents have said to the admission authority in earlier stages of the allocation process.
- . If parents do have any documentation which supports or proves their reasons for appealing then parents should provide these when submitting their appeal.
- If original documents are enclosed with the appeal form and parents would like them back, please inform the LA and the documents will be copied and returned either straight away or after the IAP has met.
- The IAP may decide that it should allow some but not all the appeals that it hears for a particular school. The IAP will form its own view of any case and may have to decide between individual cases. It will consider the circumstances of individual children in detail and with care, based on all the information put before it.

It is up to the IAP to decide which cases it hears are to have priority. The IAP does not have to apply the same tests and criteria as the LA in deciding priorities and can adopt a completely different test if it wishes. As a result, just because a case might meet some of the priority criteria set out within the MAT's policy this does not mean that an appeal will succeed, although it would obviously make

sense to draw the IAP's attention to it. • Where the appeal is not an infant class size appeal then the IAP will consider the following: (i)

- whether the admission arrangements complied with the mandatory requirements of the School Admissions Code and the School Standards and Framework Act;
- whether the admission arrangements were correctly and impartially applied;
- whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources. Where the IAP find that the admission arrangements did comply with the mandatory requirements, they were correctly and impartially applied and that prejudice would be caused through the admission of additional children, the IAP will then have to balance the prejudice to the school against the reasons that parents put forward for expressing a preference for that school. More information can be found within the Appeals Code.

#### ATTENDING THE APPEAL

If parents say that they wish to attend the IAP hearing and then do not come to the hearing, the IAP will decide the appeal in their absence on the basis of any written information parents may have sent beforehand. If parents do attend then they may wish to be accompanied by a representative or supporter. If their representative or supporter is in fact their spouse or partner living at the same address, they do not need to complete the address details in section 6 of the appeal form. Parents may wish to be "represented" at the hearing, that is, for someone else to speak and ask questions for them at the IAP hearing. If a parent is represented, the representative can tell the IAP about the parent's situation although the parents will still need to answer questions. Parents will have to pay the costs of any representation. If a parent wishes the appeal to be handled in this way, they must indicate this in section 6 of the appeal form and insert the representative's address details in order that copies of all letters can be sent to the representative.

#### WRITTEN REPRESENTATIONS

It helps the IAP if parents can attend the hearing to put their case because the IAP may wish to ask questions on what parents have written. However, parents do not have to attend; the IAP can decide the appeal on parents' written comments and the comments of the admission authority. The fact that parents are not present when the IAP looks at the case will make no difference. The IAP will be advised that they must give equal attention to all appeals whether or not the parent is there. If parents wish to have your appeal dealt with in this way, they must indicate this in section 6 of the appeal form.

#### SPECIAL RESTRICTIONS ON APPEALS FOR INFANT CLASSES WITH 30 PUPILS

From September 2001 class sizes for 4 to 7 year olds must not exceed 30 pupils per qualified teacher. The letter confirming the decision not to admit a child to a particular school should make it clear whether this has been for reasons relating to infant class size. Appeals where this is relevant are referred to as infant class size appeals and, in these cases, parents should be aware that the power of the IAP to admit your child is extremely limited. It is very difficult for parents to succeed in such an appeal. The only instances where an IAP can allow an infant class size appeal are where it decides that:

- The admission of an additional child/additional children would not breach the infant class size limit; or
- The admission authority's admission arrangements did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
- The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

If the IAP is not satisfied that these criteria have been met then it has no choice but to dismiss an appeal

If an appeal is to be heard on the basis of infant class size then you will usually be sent more information about the process in advance of the hearing.

#### FURTHER COURSES OF ACTION

The IAP is the last stage in the admissions process and any decision reached by the IAP will be binding on the parent, the local authority, the admission authority and the school/academy. However, there are some further courses of action that can be considered. For schools in Symphony Learning Trust, parents are able to make a complaint to the Education Funding Agency which handles such complaints on behalf of the Secretary of State for Education. Further details and guidance regarding how to complain can be found on the .GOV.UK website at the following address: [www.gov.uk/academy-admissions](http://www.gov.uk/academy-admissions)

Please note that these courses of action are not simply where a parent is unhappy with any decision that an IAP reaches but where they feel that there has been maladministration (a failure to follow proper procedures) in the way the appeal has been dealt with

#### WHAT TO DO WITH THIS FORM - AND BY WHEN

If a parent wishes to appeal, they should complete the appeal form, sign it and send it as soon as possible to the Clerk to the Independent Appeal Panel at the address at the bottom of the form. The Appeals Code sets out certain time limits within which appeals should be received. Details of these can be obtained from Leicestershire Local Authority. In respect of appeals against a decision of the local authority, details of the applicable time limits can be found on the County Council's website or by contacting the Customer Service Centre on 0116 3056684. An appeal form must be received by the Legal Services Department no later than close of business on that day. Whilst appeals received after this deadline will still be accepted, it may mean that there is a longer delay until the appeal is heard and/or that the appeal will be heard after all of the other appeals for that school.

School Admissions Appeal form

<http://www.leicestershire.gov.uk/sites/default/files/field/pdf/2016/3/17/school-admission-appeal-form-v2.pdf>

For paper copies, please contact the Admissions Service

#### **School Admission Appeals Timetable 2018/2019**

##### **Mid-term or in-year transfers**

If you have applied for a school place outside the normal round i.e mid-term, and been refused, then you must lodge an appeal within 20 school days of being notified that your application was unsuccessful.

Your appeal will be heard within 30 school days of the appeal being lodged.

##### **September 2019 entry**

First time admissions or transfer applications for admission in September 2019 will be heard according to the following timetable as long as the appeal is submitted on time:

	<b>Offer Date</b>	<b>Appeals lodged by</b>	<b>Appeals to be heard by</b>
<b>Primary</b>	April 2019	May 2019	Yet to be agreed

Return the School Admission Appeal Form to the County Solicitor by the closing date - closing dates vary depending on when you applied

The County Solicitor will let parents know when their appeal hearing will take place

Appeal decisions letters will be sent within 5 working days of the last appeal heard, wherever possible

### **Late Applications and Appeals**

Applications for a school place received after the relevant closing dates i.e. after 31 October for secondary transfers or after 15 January for first time admissions are classed as late.

If an application was late, parents must appeal within 20 school days of being refused the place. The appeal will be heard up to 40 school days from the date it was lodged.

Appeals lodged after the deadline will be heard within 40 school days of the appeal being lodged.

Please note:

- repeat appeals in the same academic year will not be allowed unless there has been a significant change in your circumstances, eg a house move
- the panel can only allow an appeal for a place in an infant class that already has 30 children if
- an error was made in the processing of the application form
- the policy or admissions arrangements were applied incorrectly or
- the decision to refuse the place was unreasonable – see the School Appeals Guidance for more information.