

**GUIDANCE NOTES ON THE PROCEDURE FOR APPEALS
AGAINST THE DECISION NOT TO ADMIT A CHILD
TO A COMMUNITY SECONDARY SCHOOL**

If your child has been refused a place at the school you prefer, under the School Standards & Framework Act 1998 you have the right to appeal against the decision.

Parents of children with a statement of Special Educational Need should contact the Special Educational Needs Section for further advice on naming a school place (telephone 020 7525 2721)

If you wish to appeal against a decision made as to which school your child should attend you should return the completed AC1 Appeal form to the Admissions & Appeals Section. You must state the reasons for your appeal on this form along with any supporting medical or professional documents and **it must be returned no later than 21 calendar days after the date you received the decision against which you are appealing.**

BEFORE THE APPEAL

You will receive information from the clerk to the panel, details of the date, time and place of your appeal hearing at least 14 days (10 working days) before the date of the appeal hearing.

It is important that you send the clerk copies of any documents or information you may wish to use in your case. Evidence can be submitted up to and including the day of the hearing, but it is helpful to submit evidence in good time before your hearing. You will be sent the Authority's evidence at least 7 days (5 working days) before the hearing.

You will be invited by the Authority to attend the hearing in person and a friend or representative may accompany you if the panel agrees. You may also bring an interpreter if you need one. It is not necessary or appropriate to bring your child to the hearing. If you cannot attend, your appeal will be considered on the written submission you have made.

THE APPEAL HEARING

The proceedings, which will be as informal as possible, will normally be as follows:

- The representative of the Authority will put forward its case
- You will have an opportunity to question the Authority's representative
- You present your case
- The Authority will have the opportunity to ask you questions
- The representative of the Authority will sum up the Authority's case
- You will sum up your case

During this time members of the panel may ask questions at any time. The panel must consider the reasons why you would like your child to attend that particular school and the admission arrangements of the school. Your child is entitled to be sent to a school of your preference unless admission would prejudice the efficient use of resources. ("Prejudice"), prejudice cannot be claimed unless the number of applications for places in that year group exceeds the school's standard number or the higher published admission number (if applicable).

The appeal must be considered in two stages in all cases where prejudice applies;

1. A factual stage: the Authority must prove that it would not be able to provide efficient education or make efficient use of resources if the child were to be admitted.

If the panel is satisfied that the Authority has proved its case it will move to stage 2;

2. A balancing stage: the panel must balance the weight of the parental factors with the prejudice that the Authority would have on providing efficient education and making efficient use of resources.

MULTIPLE APPEALS

Where a school is very popular the panel may hear appeals from a number of parents individually who all wish their children to be admitted. To avoid injustice, where multiple appeals are being heard for the same school, decisions will not be made on individual cases until all parents have been involved in stages 1 and 2 of the process.

THE APPEAL PANEL AND APPEAL DECISION

The panel will consist of three people. One of these will be a person who has experience or knowledge of education or is a parent of a registered pupil. At least one other member will have none of these qualifications, and is known as a lay member. **The appeal panel will be independent of those who took the original decision.** The decision of the panel will be made on a simple majority and is binding on the Authority.

COMPLAINTS

If you remain dissatisfied with the outcome of your appeal you can seek further advice. You may:

- complain to the Secretary of State for Education and Skills that the Local Education Authority has acted unreasonably;
- make a complaint to the Local Ombudsman alleging maladministration of the appeals process;
- initiate proceedings in the High Court for a judicial review of the appeal panels' decision. In this event you will need to seek legal advice.

NOTE: WHILE THESE ARRANGEMENTS GIVE YOU THE RIGHT TO APPEAL AGAINST DECISIONS OF NON-ADMISSION, THE SCHOOL STANDARDS & FRAMEWORK ACT 1998 DOES NOT GIVE YOU THE RIGHT TO A PLACE AT A PARTICULAR SCHOOL.

EVEN IF YOU ARE APPEALING FOR A PLACE AT YOUR PREFERRED SCHOOL YOU SHOULD MAKE ARRANGEMENTS WITH ANOTHER SCHOOL IN CASE YOUR APPEAL IS UNSUCCESSFUL.

**APPELLANTS STATEMENTS
 APPEAL AGAINST ADMISSION DECISION FOR SECONDARY SCHOOLS
 - FORM AC1**

This form should be completed in black type or ink and sent to Admissions and Appeals, John Smith House, 144-152 Walworth Rd,
 London, SE17 1JL.

Please read the guidance notes carefully before completing this form.

Child's last name		Child's first name	
Date of birth		Boy / Girl	
Address			
Post code			
Telephone – Home		Telephone – Work/Mobile	
Name of secondary school you are appealing for			
Please give details of any brothers or sisters attending the above school.			
Name of brother/sister	Date of birth	Year Group	
I wish to appeal against the decision not to offer my child a place at the secondary school of my preference because:			
<i>Continue overleaf if necessary</i>			
If you have appealed in the past, please name the school concerned and the date of appeal:			
Do you need an interpreter	YES		NO
If yes , which language?			
Please give date/s which you will not be able to attend a hearing on			
Name of appellant			
Signature of appellant		Date	

