

# Moordown St John's Church of England Primary School



## APPEALS AGAINST ADMISSION DECISIONS NON-INFANT CLASSES (YEAR 3 AND ABOVE)

### INTRODUCTION

1. The School Standards and Framework Act 1998 (the Act) gives parents/carers the right to express a preference for the school they wish their child to attend and to state the reasons for their preference. Local Authorities, and governors of Academies, Foundation, Foundation Trust, Trust, Voluntary Aided schools where they are responsible for school admissions, must comply with a parental preference for admission to a particular school unless doing so:
  - Prejudices the provision of efficient education or the efficient use of resources. A child may not be refused admission to a school for this reason if admissions have not reached the school's Admission Number;
  - Is incompatible with any admission arrangements agreed between the governors and the Local Authority
2. All schools must make arrangements for parents/carers to appeal if they are dissatisfied with an admission decision. The constitution and procedures of Appeal Panels are laid down in the Act which states that the decisions of Appeal Panels are binding on the school and the Local Authority.
3. Different provisions and appeal arrangements apply to admissions to special schools or to children who have a Statement of Special Needs. If you need information about these arrangement, please contact the Special Education Needs Inclusion Team at Bournemouth Borough Council on tel. (01202) 456166.
4. This information is concerned only with guidance relating to appeals for years 3 upwards. Another set of guidance notes is available with information relating to appeals for Infant Class Size appeals (for places in reception, Year 1 and Year 2). Please contact the school for a copy if required.
5. You should read these notes in conjunction with the booklet 'Starting Primary School' or the booklet 'Moving up to Secondary School', which gives general information about admission arrangements in Bournemouth and provides information on the admission policies for schools in Bournemouth.

If you require copies of these booklets, they are available online at [www.bournemouth.gov.uk](http://www.bournemouth.gov.uk) under the schools section or on request from the Children's Information Service at the Town Hall Customer Services in Bournemouth **telephone: (01202) 456223**. Reference copies are also available to read at all Bournemouth public libraries.

## **HOW TO APPEAL AGAINST AN ADMISSIONS DECISION**

6. When a school has refused a place, you are told why the place was refused and then have the right to appeal that decision. If you wish to appeal, you should complete the appeal form provided and send it to the School Admission Officer, Moordown St John's Church of England Primary School, Vicarage Road, Bournemouth BH9 2SA. The appeal form gives you the chance to state the reasons why you wish to appeal against the decision of the Admissions Authority.

If you wish to provide any documents to support your case, copies should be attached to the appeal form before sending it to the school. If these documents are not available at the time, copies must be provided to the Clerk to the Panel well in advance of the appeal hearing. If they are not provided by the deadline given, they may not be accepted by the Appeal Panel or your appeal hearing may be deferred.

Copies of your appeal form and any other documents will be made available to the Appeal Panel members and to the Presenting Officer who will be presenting the case for the Admissions Authority at the appeal hearing.

7. Your appeal form and accompanying paperwork will be passed on to our independent appeals provider – the Democratic Services Team at Bournemouth Borough Council. They will arrange for your appeal to be considered by an Appeal Panel. The timescales for appeals to be heard are as follows:

- For applications made in the normal admissions round appeals must be heard within 40 school days of the deadline for lodging appeals.
- For late applications appeals should be heard within 40 school days from the deadline for lodging appeals where possible or within 30 school days of the appeal being lodged.
- For applications for in-year admissions appeals must be heard within 30 school days of the appeal being lodged.

You will normally be given at least 10 school days notice of the date, time and place of the meeting of the Appeal Panel unless you agree to a shorter period of notice, e.g. when the beginning of the new school year is imminent.

The Clerk to the Appeal Panel can advise you on the arrangements for Appeal Panel hearings, including for example, facilities for disabled people.

8. At least a week before the hearing, the Clerk will send you and the Appeal Panel a statement from the Admissions Authority setting out their case. This will include:
  - How the admission policy has been applied;
  - The reasons for the decision concerning your child;
  - Copies of any information or documents which are to be made available at the Appeal Panel hearing.

9. You will be invited to attend the appeal hearing and make your case to the Appeal Panel if you wish. You are encouraged to attend wherever possible. You can be accompanied or represented by a friend or otherwise.

If you do not attend, your appeal will be heard in your absence on the basis of the available documentation as long as:

- you have given notice of your intention not to attend, but you allow the appeal to proceed without you or
- you do not attend and there are no reasonable grounds for adjourning the hearing to another date.

### **HOW APPEAL PANELS REACH A DECISION**

10. In considering an appeal, Appeal Panels will take account of:
  - Whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and
  - Whether the published admission arrangements were correctly and impartially applied in the case in question.
11. In reaching a decision, Appeal Panels will follow a two stage process:

#### **Stage 1**

It is for the School's Admission Authority to satisfy the Appeal Panel that your child's admission to the school would prejudice the provision of efficient education or the efficient use of resources.

If the School's Admission Authority fails to satisfy the Appeal Panel on this point, the Appeal Panel must allow the appeal and allocate a place to your child at your preferred school.

#### **Stage 2**

If the School's Admission Authority does satisfy the Appeal Panel on the above point then the Panel must balance this against your preference and decide which should prevail.

They will consider the reasons you give for your preference and the school's published admission arrangements. They will also consider the consequences for the school of complying with your preference and how serious this would be. The Panel will then balance these conflicting factors and reach a decision.

Where two or more appeals are being decided together in respect of the same school, this process may involve considering the consequences of allowing all or only some appeals. In reaching a decision, Appeal Panels do not have to follow the School Admission Authority's order of priority for allocating places - Appeal Panel's decisions are made in the light of the individual merits of each case.

## **DECISIONS OF APPEAL PANELS**

12. The Clerk to the Appeal Panel will record decisions and will be responsible for telling you, the school and Bournemouth Local Authority the decisions and the grounds on which it is made, in writing.
13. The decision of an Appeal Panel will be binding on the school and Bournemouth Local Authority. If the decision of an Appeal Panel is not to allow your appeal, the school may later consider your child for a place should a suitable vacancy subsequently occur.
14. If you are dissatisfied with the decision of an Appeal Panel you cannot bring a further appeal based on the same facts. However, the Admission Authority may allow parents a further appeal if satisfied that there is:
  - a sibling link at the preferred school which was not there at the time of the original appeal;
  - a change of address which means the home address is significantly closer to the preferred school or is now in the designated local area of the preferred school;
  - new evidence supported by a letter from a hospital consultant, psychologist, social worker or health visitor, which could not have been introduced at the time of the original appeal hearing.

You should write to the School Admissions Officer, Moordown St John's Church of England Primary School, Vicarage Road, Bournemouth BH9 2SA with details if the above circumstances apply and a decision will then be taken as to whether grounds for a further appeal exist.

15. We hope that you feel the school has acted properly in relation to your appeal. If you do have any cause for complaint or concern, you may use the School's Complaints Procedure to address this. The School Admissions Officer can provide information. If you consider that you have suffered an injustice because of maladministration at the Appeal you can make a complaint to the Local Government Ombudsman (LGO) for maintained schools or the Education Funding Agency (EFA) for academies. Maladministration refers to the way in which something has been handled – e.g. unjustifiable delay, procedural error, incompetence, neglect or prejudice – and not to the actual merits of the decision. The Clerk to the Appeal Panel will provide details on how to make a complaint to the LGO/EFA when they send you the Panel's decision letter.

If you need any further information on admissions appeals, do not hesitate to contact either the Appeals Officer at Bournemouth Borough Council on tel. (01202) 451163 or the School Admissions Officer at the School on tel.(01202) 527683.