

A GUIDE TO ADMISSION APPEALS FOR OUSEDALE SCHOOL



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INTRODUCTION

This appeal booklet provides information for a statutory appeal against the refusal of the Admission Authority to offer your child a place at the school.

As Ousedale School is an Academy, all references to Admission Authority in this booklet mean the Academy Trust. References to a parent in this booklet mean a parent or a person with parental responsibility

The law allows a person with parental responsibility for a child to appeal against the decision of the Admission Authority to an impartial body known as the Independent Appeal Panel (“IAP”).

The IAP has the power to decide whether the child should be offered a place at the school and the Admission Authority must comply with the IAP’s decision.

The School Standards and Framework Act 1998 (“SSFA”) and the School Admission Appeals Code produced by the Department of Education, govern all school admission appeals.

All appeals for Ousedale School are organised independently by the Education Appeals Team at Buckinghamshire County Council and you must return your appeal form to them at the address below. This booklet explains how the Appeal procedure works and the steps that we take to make the appeal as straightforward as possible.

Education Appeals Team
Buckinghamshire County Council
County Hall, Aylesbury
Buckinghamshire
HP20 1UA

email: appeals@buckscc.gov.uk

1. WHY YOU HAVE BEEN REFUSED A PLACE

The law allows you to express a preference for a school place for your child but you do not have an absolute right to choose a particular school.

The law states that the Admission Authority is not required to meet your preference if:

- The year group you are applying for at the school has reached its Published Admission Number (PAN) and compliance with your preference, “would prejudice the provision of efficient education or the efficient use of resources”.

This means that the Admission Authority has allocated all places up to its Published Admission Number (PAN) i.e. the school is full and to admit further children would, “prejudice the provision of efficient education or the efficient use of resources” and harm the education of the existing pupils at the school.

2. YOUR RIGHT TO APPEAL

If:

- You have parental responsibility for a child, and
- You have applied for a school place for your child, and
- Your application for a school place has been refused by the relevant Admission Authority

You can appeal against that decision to an Independent Appeal Panel (IAP)

At your appeal hearing you can explain to the IAP why you want the school place for your child. The Admission Authority will explain to the IAP why it is not able to offer you a school place. After considering all the evidence presented by you and the Admission Authority, the IAP will make a decision and you will either be successful or unsuccessful in obtaining a place at Ousedale School for your child.

IMPORTANT NOTE: applications for Ousedale are made as a whole and not for a specific campus. Students are allocated Newport Pagnell Campus or Olney Campus depending on their permanent residential address.

As Ousedale School is a dual campus school, the Admission Authority may offer a place at the alternative campus if the campus designated according to an appellant’s address is full. If this offer of a place is refused, the applicant’s name cannot be placed on the waiting list for an alternative campus and there is no right of appeal.

3. STATISTICS

In 2018, 44 appeals were made for entrance into year 7 in September 2018.

35 appeals went to a full hearing and 6 were successful i.e. the child was given a place at Ousedale School.

So 17% of the appeals heard were successful.

Please think very carefully before appealing. Most appeals are unsuccessful as the school is already full and it cannot admit further pupils without harming the education of the existing pupils.

4. WHEN CAN YOU APPEAL

You can appeal for a school place as soon as you have been told by the Admission Authority that the school place you applied for has been refused.

You can only appeal for a school place which you have listed as a preference when you make your application.

PLEASE NOTE: there are important time-limits within which you should make your appeal.

Appeal forms should be received by the Education Appeals Team within 20 school days of the notification date: this is the date on which the Admission Authority refused you a school place.

Therefore, appeals for entrance into year 7 in September 2019, if you were refused a place on 1 March 2019 (Secondary School – National Allocation Day), should be received by the Education Appeals Team by **12pm on Friday 29 March 2019.**

Appeals received by this deadline will be heard between May and July.

Appeals received after this deadline will probably not be heard until September/October 2019.

For appeals for school places when the refusal was not made on 1 March 2019 but on a different date, your appeal form should be received by the Education Appeals Team within 20 School days of the notification date, (that is, the date you were refused the school place by the Admission Authority). Appeals will be heard as soon as can be arranged.

5. HOW DO YOU APPEAL?

You must complete the enclosed appeal form and return it to the Education Appeals Team within 20 school days of the notification date. This is the date on which the Admission Authority notified you that your application for the school was unsuccessful.

It is very important that you return your appeal form on time. If the appeal form is returned late, it is quite possible that there will not be an appeal appointment available for the school until later in the year. Please see section 4 for the relevant deadlines.

You must explain why you are appealing in writing. You should also provide evidence supporting your appeal. If there is evidence that you wish the IAP to consider, it can be sent to the Education Appeals Team separately after returning the appeal form. You should not, therefore, delay returning your appeal form until you have gathered all of the evidence on which you wish to rely. We will write to inform you of the deadline to submit any further evidence for the appeal.

The appeal form can be posted to the Education Appeals Team, Buckinghamshire County Council, County Hall, Aylesbury, HP20 1UA. You can also email the appeal form to the following address; appeals@buckscc.gov.uk alternatively, you can deliver the appeal form by hand to the reception area of the offices of Buckinghamshire County Council at the above address.

Due to the large number of appeal forms we receive, we are not able to confirm receipt of the form or evidence over the telephone or collect forms in person from Reception. However, the staff on Reception will be pleased to provide a receipt for any documentation left with them.

After you have submitted your appeal form the Education Appeals Team will send you an acknowledgment letter with your five-digit appeal reference number. Please refer to your appeal reference number in all communications with the Education Appeals Team. If you have not received your acknowledgment letter within 7 working days, please contact us giving your child's name, date of birth and the school you are appealing for.

6. WHEN AND WHERE WILL YOUR APPEAL TAKE PLACE

The Education Appeals Team will send you an appointment letter at least 10 days before the appeal date telling you when and where your appeal will take place.

Due to the volume of appeals received and the need to be fair to all parents appealing for the school, the Education Appeals Team is unable to offer a choice of appointments.

Occasionally the venue and/or time of your appeal will need to be changed. Please check carefully all letters that are sent to you by the Education Appeals Team for any changes to your appeal appointment. This is normally due to appeals being cancelled.

Appeals are heard on school days at a suitable place in Milton Keynes. You will be given an appeal appointment time between 9:30am and 3:30pm. Please allow plenty of time to travel (and park if you are coming by car) and arrive 10 minutes before your appeal is due to begin. Appeals last for approximately 30 minutes.

Delays are however, sometimes unavoidable and you should be aware that the appeal may start later than the scheduled time.

If you are late for your appeal, the Clerk will try and contact you by telephone and the IAP will usually wait for up to 10 minutes but no longer as there will be other parents waiting for their appeals to be heard.

If you do not attend your appeal appointment, the IAP will make its decision in your absence after carefully considering all written evidence received from you.

Appeals for school place for September 2019 entry received by the deadline dates in **section 4** will be heard on school days between May and July 2019. Other appeals take place throughout the year (except in school holidays) and will be heard as soon as can be arranged. Appeals only take place on school days in term time because the school cannot attend in the school holidays.

You may be given two appointment times. This happens when there are number of parents appealing.

The first appointment time will be for the **Stage 1** part of the appeal, this is when all parents appealing for Ousedale are invited to hear the Admission Authority explain why it has not able to offer places. Your second appointment time will be for the **Stage 2** part of the appeal; this is when you can explain your personal reasons why you want a place at Ousedale School. No other parents will be present. Stage 1 and Stage 2 appointments may be on different days or on the same day but at different times.

7. DO YOU NEED TO ATTEND THE APPEAL?

We recommend that you attend the appeal hearing. You, the parent, can best explain to the IAP why you want your child to attend Ousedale School.

If you have been given two appointments as you have separate Stage 1 and Stage 2 hearings (see **Section 11**), you should attend both appointments, if possible.

The IAP understands that parents cannot always come to an appeal. This will not be held against you although the IAP may find it more difficult to understand why you want the school place if you are not there to explain and answer questions.

If you do not come to the appeal, the IAP will make its decision in your absence after carefully considering all written evidence received from you.

If you do not wish to come to the appeal or find that you cannot attend, please inform the Education Appeals Team **as soon as possible** so that the IAP is not kept waiting and the Clerk does not contact you.

You can choose to be represented by someone else at your appeal. If you want someone to represent you before and/or at the appeal hearing, please confirm this in writing to the Education Appeals Team and include the representative's name and contact details.

If you decide you do not want to continue with your appeal, please confirm this in writing to the Education Appeals Team as soon as possible (see **Section 18**).

8. WHEN AND HOW DO YOU SUBMIT YOUR EVIDENCE

When you make an appeal, you must explain in writing why you are appealing for the school place. You can do this on the appeal form.

You may also submit evidence in support of your appeal which the IAP will consider before it makes its decision, unless it is received too late, see (b) below.

You should try and submit all your evidence in support of your appeal with your appeal form.

a) Submitting evidence WITH your appeal form:

Please send the evidence in with you appeal form to the Education Appeals Team by email or post or deliver it to County Hall, Aylesbury.

b) Submitting evidence AFTER sending in your appeal form:

If you are unable to submit all your evidence with your appeal form, please send it in **as soon as possible** afterwards to the Education Appeal Team by email, post or deliver it to County Hall, Aylesbury.

Evidence should be received by the Education Appeals Team at least 10 working days before your appeal appointment, (or if you have separate Stage 1 and Stage 2 appointments, as least 10 working days before the Stage 1 appointment – **see section 11**). This is to allow sufficient time for your evidence to be copied, circulated and read by all parties before the appeal. The Education Appeals Team will remind you of this in the appointment letter.

PLEASE NOTE - If evidence is received by the Education Appeals Team later than the deadline there may not be time for it to be considered by the IAP.

If you submit evidence later than 10 working days before the appeal hearing please send in 6 copies by post (NOT EMAIL) or deliver it to the Education Appeals Team, so it can be circulated to all parties, if there is time to do so, or placed on your appeal file.

It will be for the IAP to decide whether any evidence not submitted by the deadline is to be considered, taking into account its significance and the effect of a possible need to adjourn the hearing.

The IAP **cannot** consider any evidence received after your appeal hearing.

For the evidence you should consider submitting in support of your case, see below.

For a Prejudice appeal, you should explain on your appeal form the reasons why you want a place at the school you are appealing for and provide evidence in support. For example,

- if you have medical or social or educational reasons for wanting the school place, provide written evidence from a doctor, medical practitioner or other professional.

- if your reasons are due to a house move, provide written evidence of exchange of contracts or tenancy. (Please do not provide the whole tenancy agreement or contract but a solicitor's letter or first page and signature page, for example would be helpful).

- if you are unhappy with the current school, provide details and explain what has happened and what you and the school have done to address the issues and include, if possible, letters/emails of complaint and reports.
- if your reasons relate to transport, provide relevant information and maps.
- if your reasons relate to family circumstances, provide details and supporting evidence where possible.
- if you want a place at the school due to subjects offered and/or the school's ethos, provide details explaining why you particularly want your child to attend this school with these subjects /this ethos.

These are examples only and it is your responsibility to provide evidence in support of your appeal. You should provide this evidence when you submit your appeal form or as soon as possible afterwards and no later than 10 days before the appeal.

9. SUBMITTING EVIDENCE

Please remember that it is your responsibility to provide evidence in support of your appeal.

The Education Appeals Team and the IAP cannot obtain evidence on your behalf.

For details on how and when to submitted your evidence, **see section 8**

When you submit your evidence, please ensure that:

The correct postage is used

- All documents are A4 in size (please reduce or enlarge any documents that are not A4)
- You **do not** send photographs of documents
- You **do not** fasten your documents by staples or treasury tags
- You **do not** place your documents in plastic or document wallets or binder/lever arch files
- You **do not** separate your documents by file dividers or by any other means
- You write your appeal reference number on all evidence submitted
- **You number the pages**
- You **do not** send original documents

- You **do not** send in school work and/certificates. You may bring these to show the IAP at the appeal hearing.
- You **do not** highlight any part of the document, as this make copies illegible

10. WHAT HAPPENS AFTER YOU HAVE SUBMITTED YOUR APPEAL?

Within 7 working days of submitting your appeal form, you should receive an Acknowledgement Letter giving you your five-digit appeal reference number.

At least 10 working days before the appeal hearing, you will receive an appointment letter giving you details of when and where your appeal will take place and asking you to send in any further evidence.

At least 7 days before the appeal hearing, you will be sent an Order of Business (which explains what will happen at the appeal) and copies of the case papers. The case papers include, your appeal form and any evidence you have submitted plus the Admission Authority's case explaining why you have been refused a school place. The same case papers are sent to the IAP and the Admissions Authority so that everyone has time to read them carefully before the hearing take place.

11. WHAT WILL HAPPEN AT THE APPEAL?

Please allow sufficient time to park if you are driving to the venue and arrive 10 minutes before your appointment and report to Reception. The Clerk to the IAP will collect you and take you to the room where the appeal will be heard. If you are late the Clerk will try and telephone you. The IAP will be unable to wait for you for more than 10 minutes as usually other appeals will be scheduled following yours.

Your appeal will be heard by three Independent Appeal Panel members (one acts as Chair). They are unpaid, independent volunteers, who have been appointed and trained in accordance with the Schools Admission Appeals Code 2012.

The Clerk will take notes at the hearing and provide advice to the IAP when necessary on law and procedures, but does not take part in the decision making process.

The Admission Authority will provide a presenting officer at attend the appeal hearing who will explain why the school place was refused.

The procedure will normally follow the Order of Business you would have received with your case papers.

In a single appeal hearing, Stage 1 and Stage 2 will take place during the same session.

If there are a number of appeals for Ousedale School you will receive two different times to attend at Stage 1 and a Stage 2 part of the appeal and these may also be on different dates.

At Stage 1 of the appeal, the IAP will hear the Admission Authority explain what impact the admission of additional children would have on the school. You and the IAP may ask the Admission Authority questions to challenge the school's case. For example, the School's written case, which you should receive and read before the appeal, may explain that it cannot admit a further child due to the lack of resources, such as available classroom space or teaching staff, concerns over health and safety in school, numbers of adults and children in the classroom, or the impact on pupil's behaviour of increased numbers. You and the IAP may ask for more detail about any points raised in the School Case or discrepancies or gaps in the paperwork so you can understand better what impact, if any, the admission of an additional child might have on the school and its resources.

Then IAP must decide:

- **Will the admission of an additional child prejudice (i.e. harm) the provision of efficient education or the efficient use of resources at the school?**

If the answer is YES, the IAP will proceed to Stage 2 (see below).

If the answer is NO, your appeal will be successful and you will be offered a school place UNLESS a number of children are appealing for a school place (that is, it is a **multiple appeal**) and to admit all those children would seriously prejudice/harm the education of the existing pupils, in which case the IAP must proceed to Stage 2.

At Stage 2 of the appeal, the IAP will consider your reasons for wanting the school place. The IAP and Admission Authority may ask you some questions so they can understand better why you want a place at this particular school.

The IAP must then balance the harm to the school against the benefit to your child of being admitted.

If the IAP considers that your case outweighs the prejudice to the school, you will be successful. If, however, the IAP decides the school's case for prejudice is stronger, it will dismiss your appeal and you will be unsuccessful. Whether or not you are successful at this balancing stage will depend on the individual facts of the case. For example, if the school case is weak e.g. the

IAP consider that there may be only a little difficulty caused to the school in admitting another child into the class despite it being full, and you have a strong case e.g. there is no alternative school place available at a reasonable distance from your home and your child has an evidenced medical, social or educational reason for this particular school, you are more likely to be successful.

If, however, the school case is strong, e.g. the class is already large and it has a number of children who are vulnerable or have special educational or other needs which impacts on the schools' resources and your case is not very persuasive, for example there is no evidenced medical, social or educational need for your child to attend that school but it would just be more convenient for your family to transport your child to the school, you are less likely to be successful.

You need to think very carefully about what the preferred school can offer your child that the allocated or other school cannot and be prepared to explain why you want a place at the particular school and provide supporting evidence if possible.

However, in multiple appeals, (where more than one parent is appealing for a place at the school), although the IAP must not compare the individual pupil cases when deciding whether a pupil's case outweighs the prejudice to the school, if the IAP finds that there are more individual cases which outweigh prejudice than the school can admit, the IAP must then compare the individual cases and uphold those appeals with the strongest cases for admission.

If there have been several appeals for the school, the IAP members are not able to make a final decision until all of the appeals have been heard. This could be several days or even weeks later.

12. WHEN WILL YOU BE INFORMED OF THE DECISION?

A decision letter will be sent out to you no later than **5 school days** after the appeal hearing, unless there is good reason.

However, in multiple appeals, where there are appeals for school places being made by a number of parents, which may take place over days or even weeks, decision letters will be sent no later than 5 school days after the last appeal hearing.

You will be informed of the decision by letter only. The Education Appeals Team cannot give any decisions over the telephone.

13. IF YOUR CHILD HAS A DISABILITY, WILL THIS AFFECT THE APPEAL?

If your child has a disability, you may wish to discuss your appeal with their Head teacher and the Special Educational Needs Co-ordinator at the current school. There is a space on the appeal form for you to tell us that your child has a disability.

The IAP must consider whether your child is disabled and whether there has been discrimination within the meaning of the Equality Act 2010.

14. WHAT SHOULD YOU DO IF YOU HAVE A DISABILITY AND WISH TO ATTEND THE APPEAL?

If you are a disabled person who requires reasonable adjustments to be made in order for you to participate in the appeal, please contact the Education Appeals Team as soon as possible. We will try and meet your needs wherever possible.

15. WHAT SHOULD YOU DO IF ENGLISH IS NOT YOUR FIRST LANGUAGE?

If you would like the Education Appeals Team to arrange an interpreter to attend the appeal hearing please let us know as soon as possible and tell us which language you require. Alternatively, if you prefer you may arrange your own interpreter and/or ask a friend or adviser to speak on your behalf.

16. CAN YOU BRING YOUR CHILD TO THE APPEAL?

Please do not bring children to the appeal hearing as there are no child care facilities and it is not suitable for children to be cared for in the room where the hearing takes place. Please therefore, make alternative arrangements for babies and children to be looked after.

17. IS YOUR CHILD'S POSITION ON THE WAITING LIST RELEVANT?

IAPs must not take account of where the Admission Authority has placed a child on the waiting list, or that appeals have not been made in respect of other children on the waiting list. IAPs must not make any decision relating to the placement of a child on a waiting list. If you have any queries about waiting lists, please contact the School directly (not the Education Appeals Team).

18. IF YOU WANT TO WITHDRAW YOUR APPEAL, WHAT SHOULD YOU DO?

If you wish to withdraw your appeal, please write to the Education Appeals Team as soon as possible.

If you decide you do not want to continue with your appeal, money and time can be saved if your appeal is withdrawn promptly.

19. WHAT HAPPENS if MY APPEAL IS SUCCESSFUL?

The IAP's decision is binding on you, the school and the Admission Authority. If the decision letter says you have been successful, your child will be allocated a place. Please contact the school directly to agree the date your child should start.

20. WHAT HAPPENS if MY APPEAL IS UNSUCCESSFUL?

The IAP's decision is legally binding on you, the School and the Admission Authority. If the decision letter says you have not been successful, your child will not be allocated a place.

You may contact the Education Access Team at Milton Keynes Council on 01908 253 338 or secondaryadmission@milton-keynes.gov.uk to ask their advice about waiting lists and spaces in other schools.

You do not have the right to a second appeal for the same school for the same academic year, (unless, in exceptional circumstances, the Admission Authority accepts a second application from you and still refuses admission.)

You may apply for a place in the same school in respect of a later academic year and you will have a right of appeal if this application is unsuccessful.

21. COMPLAINTS ABOUT APPEALS

If you feel that the procedures have not been correctly followed in your appeal, you make contact the following:

Education Skills and Funding Agency (EFSA)

Academies Central Unit,
Earlsdon Park, Butts Road,
Coventry CV1 3BH

Telephone: 03700 002288

email:academy.questions@education.gsi.gov.uk

See: www.gov.uk/government/publications/academy-independent-admission-appeal-panel-complaints

You may not be satisfied with the IAP's decision but the EFSA are generally only able to investigate whether there has been a failure to follow correct procedures by the IAP.

An IAP's decision can only be overturned by the Courts where a parent or Admission Authority is successful in applying for judicial review of that decision. You will need legal advice if you seek judicial review.

Details about how to make a complaint about the way your appeal was conducted can be found at: www.gov.uk/schools-admissions/appealing-a-schools-decision

22. WHERE CAN I FIND OUT MORE?

Contact:

Coram Legal Children's Centre, Community Legal Advice Education Law Line – for education legal advice for those eligible for Legal Aid. Tel: 0300 330 5485; see www.childlawadvice.org.uk

ACE Education Advice - www.ace-ed.org.uk

Read:

School Admission Appeals Code 2012 and **School Admissions Code 2014**, published by the Department for Education; at www.gov.uk/government/publications

This advice has been prepared with reference to the statutory requirements and the School Admission Appeals Code.

