



HILLINGDON

LONDON

***SCHOOL ADMISSION APPEALS
GUIDANCE FOR PARENTS***

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Introduction

Making decisions about your child's education can be a worrying time. Not getting a place for your child at the school which is your 1st preference can leave you feeling uncertain about what you should do next.

The purpose of this booklet is to explain to you the rights you have on the admission of your children to schools. You should however seek your own independent advice regarding the particular circumstances of your case.

It also explains the procedure for school admission appeal hearings. This procedure is followed by all the community schools, voluntary-controlled schools, voluntary-aided (religious) schools, foundation schools and academies in the London Borough of Hillingdon. See '**Definitions of Different Schools**' on page 9

The "Starting Primary School" booklet would have been made available for those children starting primary school for the first time and the "Starting Secondary School" booklet would have been made available for those children transferring from primary to secondary school. These booklets explain the procedures for applying. If you require a further copy this can be obtained from Hillingdon Admissions Team via the London Borough of Hillingdon, Contact Centre – See '**Useful Contacts**' on page 10

If you have not been able to get a place for your child at a preferred school

You have the right to say which school you would prefer your child to go to, but this does not mean that you have the right to have your child admitted to that school.

The organisation responsible for making decisions about whether your child can have a place at a school is called the admissions authority.

If the school you are applying for is a community school, the admissions authority is the Local Authority (LA). There are a number of community primary schools in Hillingdon and one community secondary school in Hillingdon.

If the school is voluntary-aided (religious), foundation or an academy, the admissions authority is the governing body of the school.

The LA co-ordinate admissions from Reception to Year 11. However, each admissions authority decide whether they can offer a place in the school in accordance with their published admission criteria.

If you have not been offered a place for your child at your preferred school(s) then you have the right to appeal.

Action you can take

The action you can take depends on the sector of education you are applying for.

Nursery

Nursery places for children are not statutory, so you have no right to appeal against a decision. If your child has not been given a place at the nursery you would have preferred, you should contact the nursery and ask how places have been decided.

If you think you have not been fairly treated, you should firstly write to the Head teacher and if not satisfied you may write to the governing body of the school. In your letter, explain why you think the decision is unfair and ask if the decision can be looked at again.

Primary and Secondary

Note: "Primary" includes Infant and Junior schools

If you have not been successful in getting a place for your child in your preferred school, you should be told this in writing.

- Your home LA will write to you on behalf of the admissions authority for your preferred school(s).

School Six Form Appeals

If you have not been successful in getting a place for your child at your preferred school, you should be told this in writing direct from the school concerned giving the reasons why the place has been refused. An appeal for a sixth form place can be made by a parent or a child.

How to appeal for a school place

You must make your appeal in writing:

- For primary and secondary community schools within Hillingdon you can use the London Borough of Hillingdon's appeal form.
- In all other cases, including out borough schools, you can write a letter to the school and request their form if appropriate.

Your appeal must be received no later than either the published date or the date mentioned in the letter that tells you about the decision.

Appeals must be received by the due date, unless you have a very good reason why you could not return it on time. In some instances the appeal may not be heard before your child starts school.

Details to be included in your appeal

Think about the reasons given for not giving your child a place. Then:

- explain why you are not satisfied with the decision;
- say why you think your child should have been given a place;
- if you think that the governors or LA have overlooked something, tell them about this;
- if your circumstances have changed since you originally applied and the governors or LA are not aware of this, include details and, if appropriate, evidence of this; and
- any medical evidence if appropriate.

Where to send your appeal

If you are appealing against a decision for a community school, you should send your appeal to the Clerk to the Appeals Panel, Democratic Services - See '**Useful contacts**' on page 10.

If you are appealing against a decision for a voluntary-aided (religious) school, academy or foundation school, you should send your appeal to the governing body of that school.

What happens next?

When your appeal is directed to a school, they will inform you of their procedure.

When your appeal is received by Democratic Services on behalf of the LA they will:

- write to you and confirm receipt of your appeal within 7 days; and
- write to you again with at least 10 days' notice of the date, time, venue and details of the LA's case and copies of your own correspondence with regard to your hearing.

The appeal will usually be held at the London Borough of Hillingdon, Civic Centre in Uxbridge. Appeals are timetabled and every effort is made to keep to your appointed time. Please be aware however that there is, occasionally, some delay if previous appeals have taken longer than expected to be heard.

Who sits on the Appeals Panel?

In all cases the admissions authority is responsible for setting up an Appeals Panel. The Appeals Panel will have at least three members who must be independent of the admissions authority and have taken no part in making the original decision on a place for your child.

- At least one of the members must have no personal experience of managing a school or providing education in any school (this does not include panel members with experience as a school governor or in any other voluntary role).
- The other members must have relevant experience in education or is a parent of a registered pupil at a school (other than the one for which you are appealing).

If you think that any member of the panel hearing your appeal is biased (an example would be where you know a person on the panel), you should tell the clerk at the start of the hearing.

Attendance at the appeal hearing

Your appeal can be heard without you being there. However, we strongly recommend that you should go if you can. You will probably find the thought of going to a hearing a daunting one. Although it is a legal procedure, the appeal panel will try to make the hearing as informal as possible. You can be legally represented, or take a friend with you or someone who can speak on your behalf, such as an interpreter or signer or a choice adviser.

If you do not attend and do not request an alternative date or time, then the Panel will hear your appeal in your absence, taking into account any written material you have submitted.

Who else will go to the appeal hearing?

As well as yourself and anyone you decide to take with you, there will be:

- The independent appeals panel (3-5 members) to decide the case;
- The Clerk to the hearing to give legal advice to the panel, to make sure the correct procedure is followed and to take the minutes of the hearing; and
- The person presenting the LA's case or the school's case.
- Witnesses called by you or the school
- If attending, the Local Authority Education officer.

Sometimes there is also an observer. This may be someone training to be, a panel member or a clerk.

Procedure at appeal hearing

The Clerk will introduce himself or herself to you and the person representing the admissions authority, before the hearing starts. You will be taken in and asked to take a seat.

The Chair of the Appeals Panel will introduce himself or herself and the panel members.

The Chair will then explain the procedure to you. This is likely to be the following:

- Welcome and introduction (Chair)
- Explanation of how the hearing will be conducted (the procedure) (Chair)
- Admissions Authority case
- Questions from parent
- Questions from members of the panel
- Parent's case
- Questions from Admissions Authority representative
- Questions from members of the panel
- Summing up by Admissions Authority
- Summing up by parent
- The clerk will tell you what you should do next and when you can expect to receive a decision.

The basis for the decision

Infant Year Groups (Reception, Years 1 & 2): The 30 class size rule

You need to be aware that there are statutory limits in force for infant class sizes (reception, Years 1 and 2) and that, subject to certain very limited exceptions, these statutory limits mean that no infant class containing 5, 6 and 7 year olds may contain more than 30 pupils with a

single qualified teacher. This is known as “the thirty class size rule”. After considering all the representations made to them at the Hearing, the Panel will decide:

1. Whether or not the maximum permitted class size of 30 would already have been reached by the time your child started at the school.
2. Whether or not, therefore, to allow your child into the school would breach the statutory class size limits for infant classes.

In cases such as this, an Appeals Panel can uphold your Appeal and offer a place to your child **only** where it is satisfied that:

- that the decision to refuse admission was not one which a reasonable admissions authority would have made in the circumstances of the case, or
- that your child would have been offered a place if the admissions arrangements had been properly implemented.

If, after having given careful consideration to all the information at its disposal, the Panel is satisfied that admission arrangements have been properly implemented in your case and that the LA has acted reasonably in the circumstances of the case, the Panel has no option but to dismiss your appeal.

When hearing a number of appeals for the same school the Appeals Panel will reach a decision after hearing all the Appeals relating to that particular school. This procedure is adopted so that parents whose appeals are heard later rather than sooner do not feel that their case has been prejudiced by appeals already heard.

The Appeals Panel’s decision is notified to parents and to the admissions authority in writing as soon as possible. In order to avoid parents having to wait until they have received the written decision the Clerk will normally telephone you on the same day to let you know the outcome. A formal letter is then sent to you within 5 working days.

Junior Year Groups (Years 3, 4, 5, 6) and Secondary Year Groups (Years 7, 8, 9, 10, 11)

The procedure for older children is different. In making its decision the Appeals Panel will need to be satisfied that:

- a) the admission arrangements were correctly applied to your child and
- b) The admissions authority has made its case that further admissions to the school concerned would prejudice the provision of efficient education or efficient use of resources.

If the Appeals Panel is not satisfied with the admissions authority’s case, they will allow your Appeal.

If, the Appeals Panel are satisfied that the admissions authority have proved their case, they will proceed to consider the parents’ case as to the reasons, including any domestic, medical,

religious or philosophical reasons, for wanting a place at the particular school for which they have expressed a preference.

If the Appeals Panel considers that the parents' reasons are sufficient to outweigh the prejudice to the provision of efficient education or efficient use of resources, the Appeal will be allowed. If the Appeals Panel considers that the parents' reasons are not sufficient, the Appeal will not be allowed.

Multiple Appeals

When hearing a number of appeals for the same school the Appeals Panel will reach a decision after hearing all the appeals relating to that particular school. This procedure is adopted so that parents whose appeals are heard later rather than sooner do not feel that their case has been prejudiced by appeals already heard. The Appeals Panel's decision is notified to parents and to the admissions authority in writing as soon as possible. In order to avoid parents having to wait until they have received the written decision, the Clerk will normally telephone you on the same day to let you know the outcome.

What happens after the appeal?

As already set out above, when the Panel has come to a decision, the clerk to the hearing will telephone you and write to you to let you know the outcome. If you have been unsuccessful, the letter will explain why the Appeals Panel did not give your child a place at the school.

If your appeal is unsuccessful

The admissions authority will only look at one application for a school in an academic year, unless there has been a significant change in circumstances. This can be medical reasons, which have arisen since the time of the original application, or the first application was turned down because of the class size, but the year group has moved to Key Stage 2. This is because infant-class-size legislation would no longer apply.

If there has been no significant change in circumstances, the admissions authority does not have to look at your application again, so you have no right of appeal.

Further action you can take

The Appeals Panel's decision is binding and there is no further Right of Appeal. However, there are other possible courses of action available, which parents may wish to consider as appropriate:-

- Complain to the Secretary of State for Education that the admissions authority has acted unreasonably.
- Initiate proceedings in the High Court for Judicial Review, if you consider that the hearing has not been conducted properly.
- Complain to the Commissioner for Local Administration (The Local Government Ombudsman) if you feel that there has been maladministration.
- Complain to the Council on Tribunals on general procedural matters.
- Express a preference for another school or the same school for the same academic year. For example if there has been a change in your circumstances (e.g. you have moved).

Helpful hints for parents

If you have any questions about the appeal process in respect of Hillingdon's Community Schools (primary and secondary), please contact the administration officer in Democratic Services.

If you have any questions about the appeal process with regard to Academies, Foundation, Voluntary Aided Primary Schools and schools not in Hillingdon, contact the **school** concerned.

If there is anything about the admissions procedure that you do not understand, contact the admissions section via the Contact Centre. The officer will try to answer your question or advise you of the best person to speak to. See '**Useful contacts**' on page 10

Think carefully, before the hearing, about the details you want to present to the panel.

Make a list of the points you want to raise, and take it with you.

If you are taking a friend or representative with you, decide beforehand who is going to say what.

Take your time and mention everything you think may be relevant.

Do not be afraid to ask questions or challenge what is being said.

You get the opportunity to sum up at the end. Use this to get across your main points.

Try not to worry.

Definitions of different schools

Academies are established by sponsors from business, faith or voluntary groups working in highly innovative partnerships with central Government and local education partners. Sponsors and the Department for Education (DfE) provide the capital costs for the Academy. Running costs are met in full by the DfE. **The governing body is the admissions authority.**

Voluntary Aided Schools are maintained by the LA, with a foundation (generally religious) that appoints most of the governing body. **The governing body is the admissions authority.**

Foundation Schools are maintained by the LA but have more freedom than community schools to manage their school and decide on their own admissions. **The governing body is the admissions authority.**

Community Schools are wholly owned and maintained by the LA. Local authorities are normally the admission authorities for community and voluntary controlled schools unless the local authority has delegated the admission functions to the governing body of the school. **In Hillingdon the LA is the admissions authority.**

Key Stages - A child's progress through school is measured in Key Stages. Each Key Stage covers a number of school years, starting at Key Stage 1 and finishing at Key Stage 4.

- Key Stage 1 Infant School (3-7 years).
- Key Stage 2 Junior School (7-11 years).
- Key Stage 3 Lower Secondary School (12-13 years).
- Key Stage 4 Upper Secondary School (14-16 years).

ACE - Advisory Centre for Education who will provide you with further advice on appeals (0808 800 5793).

Local Authority (LA) - The term 'Local Authority' (or LA) describes a type of Council that has responsibility for providing education to pupils of school age in its area. Their overall education remit can include early years, the youth service and adult education.

Useful Contacts

Address: London Borough of Hillingdon
Contact Centre
Civic Centre
Uxbridge
Middlesex UB8 1UW

Telephone: 01895 556644

Address: London Borough of Hillingdon
Independent Appeals Panel
Democratic Services, 3E/05
Civic Centre
Uxbridge
Middlesex UB8 1UW

Address: London Borough of Hillingdon
Clerk to the Appeals Panel
Legal Services, 3E/04
Civic Centre
Uxbridge
Middlesex UB8 1UW

Fax: 01895 277373

Address: **Local Government Ombudsman**
10th Floor, Millbank Tower
Millbank
London SW1P 4QP

Telephone: 020 7217 4620

Fax: 020 7217 4621

Useful websites: www.ace-ed.org.uk
www.education.gov.uk
www.parentscentre.gov.uk
www.hillingdon.gov.uk/schools