

School Admission Appeals

A guide for parents/carers who wish to appeal for a place at St Margaret's

Why do I need to appeal?

When the year group for your child at St Margaret's has no vacancy, that is when we have 160 boys to whom we have already offered places (or who are on roll already), it is not possible for us to offer you a place. However, by law (under The School Standards and Framework Act) you have the right to appeal for your case to be considered by an Independent Panel.

You must have applied for a place here before you can appeal.

Who considers the appeal?

Your appeal will be heard by an Independent Panel, consisting of three people drawn from a list of volunteers. These people are often school or parent governors, teachers or other people with an interest in education. However, they will have no personal connection with the schools for which they are hearing appeals and are completely independent of St Margaret's. You will be invited to come to a hearing to put your case to the Independent Panel.

When will my appeal be heard?

Appeal hearings generally take place during the day on week days during school term time. Your appeal will be scheduled for the next available session after it has been lodged.

For appeals for transfer to secondary school, there can be very large numbers of appeals for individual schools. In these cases, to ensure that everyone is treated equally, the appeals are heard together. This usually means that the same panel will hear appeals for that school over a period of a few days.

Where will my appeal be heard?

Appeal hearings take place in a neutral venue. Wherever the hearings take place, there will be a waiting area outside the Appeal Room and the Clerk to the Appeal Panel will come to collect you when the Panel is ready to see you.

How much notice will I get of the appeal date?

We normally give you two weeks' notice of the appeal hearing. A week before the hearing, we will write to you to explain why it has not been possible to offer your child a place at St Margaret's. Sometimes appeals are withdrawn shortly before a hearing because it is possible to offer the child a place.

Who attends the hearing?

Normally those attending will be the three Independent Panel members, the Clerk to the Panel, and the Principal of St Margaret's (or his/her nominee), as well as yourself and any representative you wish to bring.

You do not have to attend the appeal. Someone who is prepared to represent you can attend on your behalf or the appeal can go ahead using the written appeal statement and any supporting paperwork that you have provided. Please let us know if you do not wish to attend the hearing. You will still be notified when the appeal hearing will be in case you change your mind. Equally, if you have indicated that you will attend and you are then unable to, please notify the clerk.

One of the three Panel members will have been elected as Chair to the Panel and will lead the proceedings. The Clerk is there to advise the Panel on procedures and to ensure that the hearing proceeds correctly. Please feel free to ask the Clerk any questions if you are unsure of the procedures to be followed or what is happening at the hearing. The Principal (or his/her nominee) is there to explain the reasons why it has not been possible to offer your child a place at St Margaret's. S/he will also explain what the problems will be for the school if another child were to be admitted in that year group.

What information do I need to supply?

The Appeal Panel makes a decision based on the information they are given by both you and St Margaret's. The better the information they receive, the better their judgement is likely to be. Please supply as much information and evidence as you can to support your case. For example, if you refer to medical problems, a letter from your doctor or hospital is helpful. Social worker reports or letters of support from the current school may also be relevant to your case. Please let St Margaret's have this information 5 working days before the hearing so that the Panel have the opportunity to consider it fully. If this is not possible, please bring it with you; the Panel will then decide whether to accept additional information presented at the hearing.

I have a disability – is special help available?

Venues that may be used, are accessible. Please tell us if you have special requirements and we will do our best to meet these. We can provide large print or signers if you ask us in advance of the hearing.

I need help with English

We can provide interpreters, free of charge, if you ask us in advance of the hearing. We can also translate written material if you need this service. Please contact the Clerk to the Appeals Panel for this service.

Can I bring someone with me?

Please do. We encourage all parents to bring a friend, relative or representative who can help you put your case or provide general support. Please advise the Clerk to the Appeals Panel the name(s) of anyone you are bringing with you.

Will the hearing be formal?

The intention is to make the hearing as informal as possible, within the confines of the legislation which governs School Admission Appeals. The important thing is that you feel that you have had every opportunity to explain your case.

How long will the hearing take?

We normally allow 30 minutes for each hearing, since experience has shown that generally this is a reasonable amount of time for all sides to put their case. However, this is not prescriptive. Some appeals take a little longer, some a little less time. You will be allowed reasonable time to present your case fully.

What happens at the hearing?

When you enter the room you will be invited to take a seat facing the Appeals Panel of three people. The Principal (or his/her nominee) will be invited to come in at the same time. The Chair and the Clerk will introduce all the other people present and will explain the proposed order of the hearing. The usual order is as set out below:

- 1 The Principal (or his/her nominee) will be asked to put the School's case to the Appeals Panel.
- 2 The parents/carers and the Appeal Panel may then ask questions of Principal (or his/her nominee).
- 3 The parents will be asked to give their reasons for appealing.
- 4 The Panel and the Principal (or his/her nominee) may then ask questions of the parents/carers.
- 5 The Principal (or his/her nominee) will be asked to sum up.
- 6 The parents/carers are given the opportunity of having the last word.

It is very important that you feel that you have had the opportunity to provide the Panel with all the evidence you think they need to make an informed decision.

What is the role of the Appeals Panel?

The Appeals Panel has the power to require the school to make an extra place available if they believe this is appropriate in your case. To make this decision there are certain rules the Panel must follow, set out in the School Admission Appeals Code.

How does the Appeals Panel reach its decision?

For most appeals, the Panel is required to make its decision in two stages. At the first stage the Panel has to consider the school's case alone and to decide whether they feel that there would be 'prejudice to the provision of efficient education or efficient use of resources', that is, whether there would be a problem for the school if additional pupils were to be admitted to the school. The Panel must also be satisfied that the published admission arrangements are legal; and that these were correctly applied to your application for a place. If there are multiple appeals, the Panel will have to decide if there will be prejudice by admitting all or some of the appellants. If the Panel decides that no prejudice would be caused by admitting all the appellants the appeals will be upheld at the first stage. If there is only one appeal and the Panel decide that there will be no prejudice the appeal will be upheld at this stage. On the other hand, if the Panel accept that there would be prejudice, they move to the second stage. At this stage they look at the individual circumstances of your case and are asked to decide whether on balance the problems you face in not having a place for your child at that school, outweigh the prejudice to the school of admitting additional pupils. If the Panel decide that your circumstances do outweigh the prejudice to the school, your appeal will be successful. However, if they feel, taking all the points you have raised into account, that the problem for the school is greater, your appeal will be unsuccessful.

When will I be notified of the decision?

We aim to write to you with the decision as soon as possible after it has been made. The time does vary. Sometimes an appeal panel will be hearing appeals over several days. The panel makes all their decisions at the same time after they have heard all of the appeals for that school, and all parents will be notified of the decisions at the same time. You will be told at the end of the hearing when you can expect to receive a letter with the decision.

What happens next?

The decision of the independent appeal panel is final and binding on all parties. If your appeal is successful, arrangements will be made *via* the School for your child to start. You do have the right to complain to the Education and Skills Funding Agency, but only where you believe there have been faults in the procedure the appeal hearing has followed, not simply because you do not like the decision the Panel has made. Alternatively, you can apply to the High Court for a Judicial Review if you feel that there has been a fault in the procedure. If the Court agrees, the decision will be set aside and you will be offered a fresh appeal.

Contacts

- St Margaret's Admissions Office: contact Mrs J Holmes on 0151 427 1825
- Liverpool Admissions Team: 0151 233 3006 (or through <http://liverpool.gov.uk>)
- The Education and Skills Funding Agency: 0370 000 2288 (Monday to Friday, 9am to 5pm)
- The Department for Education: www.education.gov.uk
- The Advisory Centre for Education (ACE) is a national charity that provides free, independent advice and information to parents and carers on a wide range of school based issues, including admissions and appeals. Contact details for ACE are:
 - Website: www.ace-ed.org.uk
 - General Advice Line - Freephone 0808 800 5793 (Monday to Friday 10am to 5pm)