

Croydon Council Parents Guide to Admission Appeals

for parents appealing for places at Croydon community schools

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Introduction

The Croydon Education Appeals Service arranges appeals against refusal of admission to a school and appeals against decisions to exclude from a school. This information is about Admission Appeals.

Your right to an admission appeal

If it has not been possible to offer your child a place at your preferred school, you have the right, by law, to appeal to an independent appeal panel, called the Admissions Appeal Panel.

We know that deciding to appeal and going through the appeals process can be a worrying and anxious time. With this mind, we hope that the information contained in this leaflet will help to clarify the appeals system.

Deciding to make an appeal

If it has not been possible to offer your child a place at your preferred school, you may decide that you want to exercise your right of appeal against this decision.

When considering whether to appeal, it is important that you are aware that although the law allows you to have the opportunity to appeal against admission decisions, it does not give your child the right to a place at a particular school. There is no guarantee that your appeal will be successful.

This information relates to schools for which the Education Appeals Service can arrange an admission appeal. These schools are:

Infant and Junior Schools

These are the schools listed in the “Admissions to Primary Schools” Booklet, where there is a (C) next to the name of the school. There are two exceptions to this in the case of the Parish Church CE and St Marks C of E where the Croydon Education Appeals Service arranges appeals for these two schools as well.

Secondary Schools

These are the schools listed in the “Transfer to Secondary Schools” Booklet. They have the word (“Community”) next to the name of the school.

For all other schools you must appeal to the School direct.

Your Appeal to the Croydon Admission Appeals Panel will be administered by the Clerk to the Panel

Completing the Appeal Form

- Complete the appeals form using black ink or typescript.
- Include as much information as you can, particularly in this section, which asks you to give your reasons for wishing to appeal. Here, you should explain, as fully as you can, the reasons why you want your child to attend the school that you have been refused. If you do not think that your application has been treated correctly or fairly, or in accordance with the admissions criteria, then you should explain why you think this is the case. Attach additional paper if you need to. If you do use additional papers leave a margin on the left hand side.
- If there are medical factors involved in your reasons for appealing (ie Which you did not mention before or which have arisen since your original application for the school was made) it is important that these are supported by a letter from your doctor. This should be sent with your completed appeal form.
- You may include any other letters, correspondence, written reports or documents to support your case.
- Ensure that your form is returned to the Clerk to the Appeal Panel at **Croydon Education Appeals Service, 5th Floor, Taberner House, Park Lane, Croydon, CR9 3JS** by the required deadline.
- Please make sure that you have included as much information as you can and that you have enclosed all the supporting documentation for your appeal. This is important because, if, for any reason, you do not attend the hearing and the Panel has to proceed without you then the panel will make a decision based on your written submission only.
- Your completed form, and any additional papers that you submit with it constitutes your written case for appeal. It will be sent to all members of the admission appeals panel in advance of the appeal hearing. It will also be sent to the Admissions Authority for them to reply to.
- You will need to complete a separate form for each school you are appealing for.

Preparing for your Appeal

The Appeals Clerk will make arrangements for your case to be heard by an independent admissions appeal panel. Your appeal will normally be heard within 30 school days of receiving your appeal form, or in the case of primary to secondary transfer or admission to reception class appeals within 30 school days of the closing date for appeals. If we have to return your form to you because of errors or omissions the 30 day rule for hearing your appeal will not start until the Clerk has received your properly completed form.

You will receive notice, at least 10 working days in advance, of the time and place of your appeal.

Five working days before the hearing date you will be sent the papers for your case. These will include:

1. a copy of your appeal form;
2. a copy of any supporting information submitted with your appeal;
3. a written statement from the Admissions Authority explaining why your child has not been offered a place at the school;
4. any further information specific to your individual case.

Before the day of the appeal hearing you might wish to prepare yourself by:

- Looking at the procedures for the hearing (see steps 3 & 4 and in the Appeal Rules).
- Making a note of any questions you may have about your appeal.
- Making sure you have looked at the Admission Authority's case (which is included in the papers you will have received for the hearing).
- Spending some time deciding what you would like to say when the panel invites you to explain your reasons for wanting your child to attend your preferred school.
- Reading your appeal form and ensuring that you have submitted all the paperwork to support your appeal.
- Deciding who will attend the hearing. You may bring a member of your family, a friend or other representative with you to help you make your case or simply to give you support.
- If you need an interpreter or any other type of assistance to help you at your hearing, please ensure that you have advised the Clerk in advance.

Grouped Appeals

These appeals deal with children starting school and transferring to secondary school. The panel will hear these types of appeals in blocks. The Clerk groups these types of appeals together and the same panel will conduct the hearing at a specific time of the year.

Time and Place of Hearing

Appeals are held at the Town Hall, Katherine Street, Croydon. On average they take 30 minutes. However, parents may take as long as is necessary to present their case.

The Appeal Panel

What is an Independent Appeal Panel?

The law requires that the Clerk must make arrangements for you to appeal to an independent appeal panel if the Admission Authority has not met your preference for the school you wish your child to attend.

The composition of the appeal panel and the procedures it follows are governed by School Admissions Appeals Code of Practice issued by the Secretary for Children Schools and Families.

The appeal panel can either refuse or allow your appeal. It has no other powers. The panel's decision is binding on the school and the Council.

The Panel Members

Your appeal will be heard by a panel of three or five people who are independent of Croydon Council and the school for which you are appealing. The panel will include at least one person with experience in education or who knows about education conditions in the area, or is a parent with a child at a school. The panel will also include at least one "lay" member, who is someone who has no personal experience in managing a school or providing education, other than as a governor or in another voluntary capacity.

Who will be present at the appeal hearing?

The appeal hearing is confidential and no members of the press or public are allowed to attend. Only the following may be in the room

1. The panel members comprising the Chair and two (or four if it is a panel of five) others. For training purposes a trainee panel member may also be invited to observe the hearing.
2. You (and your partner) and anyone else you may choose to bring with you as adviser or interpreter or friend. Children are not encouraged to be present at the hearing and will not be expected to speak.
3. A Presenting Officer from the Admission Authority and sometimes a representative from the school.
4. The Clerk to the Appeal Panel (to give guidance and legal advice to the Panel) for training purposes a member of the Clerk's staff may also be present sometimes.
5. A member from the Administrative Justice and Tribunals Council (AJTC) may be present. The Admission Appeal Panels fall under the supervision of the AJTC and its members occasionally sit on appeal hearings as observers

Attending the Appeal Hearing

You are strongly advised to come to the appeal hearing as this is your opportunity to put your case to the panel. If you cannot attend, your appeal may be considered on the basis of whatever written information you have provided. We recognise that some parents may find attending an appeal hearing a daunting experience. There are set procedures which must be followed but the proceedings will be as friendly and informal as possible. Everyone there will try to help you be at ease.

What will happen on the day?

The clerk will meet you outside the room and answer your questions about the hearing and will then take you to the room where the hearing is to take place. The Clerk will show you where to sit.

After introductions by the chair of the Panel, the following procedure will be followed

1. The Presenting Officer will explain why your child has not been given a place at your preferred school.
2. You (or your representative) and the Panel may then ask questions about the statement made by the Presenting Officer.
3. You (or your representative) will be asked to put your case. You should explain your reasons for wanting your child to attend the school. The appeal hearing is confidential and you should include all information that is relevant to your case. You may not be able to add anything after the hearing.
4. The Presenting Officer and the Panel then may ask questions.
5. The Presenting Officer will be asked if they want to sum up.
6. You or your representative will then be asked if you wish to sum up. This is the opportunity to highlight the main reasons for your appeal or to add anything you may have forgotten.

After your appeal, you and those accompanying you and the Presenting Officer will be asked to leave. In some cases you may be asked to wait for a while outside the room in case the Panel wishes to clarify something before you go. The panel will then make their decision in private. The clerk will remain to note their decision.

The Panel's Decision

The appeal panel will consider all the information that you and the Presenting Officer have presented to the hearing. They will usually make their decision as to whether to allow or refuse your appeal on the same day as the hearing, or, if there is more than one appeal for the same school, on the day of the last hearing. The clerk will write to you to inform you of the Panel's decision.

How does the panel make their decision?

Appeals for children aged 5 to 7 entering infant classes

These will be for children entering into the Reception Year, Year 1 or Year 2. The law requires that, infant classes of 5, 6 and 7 year olds may not normally contain more than 30 pupils with a single teacher. As such, there are only two grounds on which appeals in this category can be allowed.

- That the child would have been offered a place if the admission arrangements had been properly implemented. *Here, the panel must be satisfied not only admission arrangements were not applied correctly but also, if they had been, the child would have been offered a place.*
- That the decision to refuse admission was not one which a reasonable admission authority would make in the circumstances of the case.

If the panel decides that answer to either of the above is yes then your appeal will be allowed. Otherwise your appeal will be refused. Please note that, in considering these appeals, the panel cannot take your personal reasons into account, as in other admission appeal decisions.

Appeals for all other children

There is a two stage process for deciding these appeals.

Stage 1 – Factual Stage

The panel must consider if the school's published admission criteria were applied correctly in your case or if the admission of an extra child would 'prejudice' the provision of education at the school.

If the panel decides that the admission arrangements were applied incorrectly and that your child would have been offered a place had they been applied they will uphold your appeal. Similarly if the panel decides that the admission of an extra child would not prejudice the provision of education at the school they will uphold your appeal. Otherwise the panel will go to stage 2.

Stage 2 –Balancing Stage

The Panel will consider your reasons for wanting your child to attend the school. They will decide whether your reasons for appealing for a place at your preferred school, outweigh the Admission Authority's reasons for refusing you a place.

Further Guidance

This booklet is intended as a simple guide for parents who find themselves involved in the appeals process. If you have questions or queries which are not covered in this guide, you can contact:

**The Clerk to the Appeal Panel
Croydon Education Appeals Service
5th floor
Taberner House
Park Lane
Croydon CR9 3JS**

Email Barbara.costello@croydon.gov.uk

Tel: 0208 760 5768 ext 64919/61559

A copy of the School Admission Appeals Code of Practice is available on the DfES website at <http://www.dfes.gov.uk/parents>

For independent advice, you may find the following organisation helpful:

**Advisory Centre for Education
Unit 1C Aberdeen Studios
22 Highbury Grove
London N5 2DQ
Advice line: 0808 800 5793 2-5pm Monday to Friday.**

If you think that the procedures for your appeal have not been followed correctly you can contact

**The Local Government Ombudsman
The Oaks No.2
Westwood Way
Westwood Business Park
Coventry, CV4 8JB
Tel: 024 7682 0000
Website: www.lgo.org.uk**