



Your right of appeal: Information booklet for parents

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This booklet is published by the clerk to the education appeals panel to provide information and guidance about the procedures in place to ensure that your appeal is considered in a fair and independent manner.

About the education admission appeal panel

Introduction

Your admission appeal form has been forwarded to me as I am the clerk to the education appeals panel, and it is my responsibility to make sure that your appeal is considered and a decision made in accordance with the law and guidelines established by the Department for Education and the Local Authorities' Associations (LAA).

As parent/guardian, you have the right to inform the local authority of your preference for a particular school and, unless your preference would prejudice the efficient provision of education or use of resources, the local authority is obliged to honour your choice.

If your child is refused a place at the school of your preference you are entitled to appeal. Your appeal will normally be considered within 30 school days of it being received in my office (timescales apply and are explained on page 5).

The role of the clerk

In my role of clerk to the appeal panel it is my duty to:

1. Acknowledge receipt of your appeal form within five working days of its receipt;
2. Inform you of the date of your appeal, which must be heard within 30 school days of receiving the appeal form (timescales apply). If you have requested an oral appeal you will also be informed of the time and venue for the hearing. If you have indicated your preference for a written hearing you will simply be notified of the date of your appeal and will receive a letter as soon as possible after the panel has made its decision. (We aim to provide this within five working days).
3. Set up a panel of three or five members who are independent to hear your appeal
4. Attend the appeal hearing and make a note of the points raised in your case;
5. Inform you of the decision in writing as soon as possible after the panel has made a decision (we aim to provide this within five working days).

Membership and role of the panel

The education appeals panel is a form of independent administrative tribunal whose decisions are binding on the LA and school governors. It is not a panel of Stoke-on-Trent City Council. It is separate from the LA and acts in accordance with the codes of practice in relation to admissions and admission appeals.

Membership of the panel

The panel consists of three members who are drawn from a pool of panel members established by the clerk. All panel members perform this role on a voluntary basis receiving remuneration for travel and subsistence expenses only.

Panel members must be either:

- A person with experience in education (such as a former teacher, a governor, a person who has worked in education or parent of a registered pupil at a school); or
- A lay person (a person without personal experience in the management or provision of education).

Each panel must consist of at least:

- One person with experience in education
- One lay person

Any person employed by the Local Authority in a capacity connected with education, is prohibited from serving as a panel member.

Role of the panel

One member of the panel will be appointed to serve as the chair for the hearing. At the start of the hearing the chair will:

- Carry out introductions
- Explain the process to be undertaken

The job of the panel is to ensure that you, as parent/guardian, receive a fair and independent hearing and are able to:

- Question the LA or school (if the school is its own admitting authority) about their reasons for refusing your child(ren) a place at a particular school;
- Put forward your case, either verbally or in writing, giving details for your reason for choosing a particular school for your child.

It should be noted that each case is considered on its own merits and that the decision of the panel is binding on all parties.

What happens once I have completed and returned my appeal form?

When I receive your appeal form arrangements for a meeting of the education appeals panel to consider your case will be made and I will ensure that you are given at least 14 days' notice of the hearing (ten school days). The Department for Education has set the following timescales for hearing appeals but, in the majority of cases, your appeal will be heard before these deadlines.

- **Secondary admissions round** – appeals for on-time applications (those relating to decisions sent on national offer day) must be heard by within 30 days of the deadline (31 March 2020) for lodging appeals.
- **Primary admissions round** – appeals must be heard within 40 school days of the deadline (18 May 2020) for lodging appeals.

- **Appeals for late applications** – such appeals should be included with those being heard for the same admissions round. However, if this is not feasible, appeals for late applications must be heard within thirty school days of the appeal being lodged.
- **School sixth-form admissions** – appeals must be heard within 40 school days of the appeal being lodged.
- **In-year admissions** – (those made outside the timetabled admissions process) hearing must be held within 30 school days of the appeal being lodged.

In some instances, in order to ensure that your appeal is heard at the earliest opportunity, I will ask you if you wish to waive your rights to 14 days' notice (ten school days). Whilst you are under no obligation whatsoever to do this, it must be emphasised that, should you choose not to, it could take longer for your appeal to be heard.

Approximately seven days before the hearing the clerk will forward to you a written statement summarising the way that the school or academy has applied its admissions policy and stating the reasons why admission to the school of your preference has been refused.

As this information forms the basis of the LA's and the school's case for refusal, it would be of assistance to you if you bring it with you to the hearing.

Preparation for an admission appeal hearing

It is hoped that you will be able to attend in person at the education appeal panel which has been convened to consider your case. However, should you be unable to attend:

- (i) The panel can consider your appeal using the written information provided on your form, together with supporting information. Please bear in mind that, if you are not present, the panel can only base its decision upon the information which you have provided. You should, therefore, ensure that the information provided clearly states your reasons for your preference. This should include any medical documents, details of future changes of address (which can only be accepted if supporting information, such as a solicitor's letter, is provided) or any other details which you believe to be relevant to your case
- (ii) you can also choose to be represented at the hearing by a person whom you feel will be able to put forward your case
- (iii) you can ask us to arrange an alternative date for the hearing (this could result in a delay whilst an alternative date is organised.)

Whether you are able to attend or not, all information in support of your appeal should be forwarded to my office at the address shown on the front of this information booklet at least three clear working days before the hearing date. This includes any information which you may wish to give to the hearing relating to medical conditions/problems relevant to your case. (These could be either in respect of your child or yourself as parent/guardian.)

Please note that any additional evidence or information received after this date might not be considered at the appeal hearing. The appeal panel must decide whether it should be considered, taking into account its significance and the effect of a possible need to adjourn the hearing.

Similarly, should you choose to be represented/accompanied at the hearing please advise my office as soon as possible. You should also advise me if you are unable to attend the hearing.

What happens in the admission appeal hearing?

Whilst formal meeting procedures will not be used, in order to give you the opportunity to tell the panel everything you think is relevant to your appeal, the following steps will be followed:

- Before the hearing I will speak to parents/guardians present to inform them of the process to be followed and to answer any general questions you may have.
- At the start of the hearing the chair will welcome all parties concerned, introduce those present and give a brief outline of the procedures to be followed.
- The presenting officer will then be asked to present the LA and school's case and establish the arrangements made for admissions. In some instances, the headteacher may be present to outline the school's case.
- General questions relating to the application of the admissions policy itself will then be asked of the LA (or school) by yourself and the panel. You will have an opportunity to raise any questions specific to your preference in private at a later stage in the hearing.
- Once these general questions have been completed, all parents/guardians, the LA and school representatives will be asked to withdraw.
- The panel will then make a decision about:
 - whether the admissions policy is lawful;
 - whether it has been applied in the case of the school for which you are appealing for a place;
 - the LA's (or School's) claim that allocation of further places at the school in question would prejudice the provision of efficient education or use of resources;
 - that they have fulfilled these criteria
- If the LA (or school) fails to satisfy the panel, the panel will then need to determine how many places are available in the school. These places will be allocated using the criteria as set out by the LA (or school) in its admissions policy.
- If the panel agrees with the LA (or school) it will go on to examine the reasons given for your preference and the following procedures will be used:
 - On returning you will be given the opportunity to put questions concerning your circumstances to the LA (or school) representative.
 - You will then be asked to put your case. The panel will have already had copies of your appeal form and any documentation that you have submitted to the appeal panel before the hearing and so will have some idea of what points you wish to raise. However, you will have the opportunity to explain your views fully should you choose to attend.
 - After you have done this, the presenting officer may wish to ask you questions.
 - The LA (or school representative) and yourselves have the opportunity to sum up your cases.
 - The panel will have the opportunity to ask questions at any time during the proceedings.

- Finally, after the chair of the panel has summed up your case, all parties will be asked to withdraw whilst the panel makes its decision.
- Written confirmation of the result of the appeal will be sent to you as soon as possible (usually within five working days).

What happens after the appeal hearing

As mentioned above, you will receive written confirmation of the panel's decision.

If your appeal is successful you should contact the headteacher of the school concerned to make the necessary arrangements for your child to attend.

If your appeal is unsuccessful you will need to make arrangements for your child to attend an alternative school and you should, therefore, contact the admissions team within the Children and Family Services Directorate at Swann House, Boothan Road, Stoke-on-Trent, ST4 4SY, Telephone (01782) 234598 or email_admissions@stoke.gov.uk

Who can I complain to about the panel decision?

There is no further appeal against the decision of the education appeal panel; the decision is binding on all parties concerned and a complaint about the decision just because you do not agree with it cannot be made.

However, should you feel that a material change of circumstances has occurred which you feel would assist in your case for admission to a particular school, such as a change of address, then you should contact the children and family services directorate within the LA or the relevant admitting authority who will decide whether or not they feel that the change in circumstances warrants a re-appeal.

Who can I complain to about the way I was treated?

If you have a specific complaint about the way in which you were treated, you can raise this either with me, in the first instance, or, if you remain unsatisfied, approach your local city councillor to investigate the matter.

Who else can I complain to about the way I was treated?

If you are still not satisfied you can ask the Local Government and Social Care Ombudsman to investigate your complaint. The Local Government and Social Care Ombudsman will investigate whether you have suffered injustice caused by maladministration.

Maladministration can occur when the council:

- does something in the wrong way;
- does something it should not have done; or
- fails to do something it should have done.

This is not a further appeal, and the ombudsman will only investigate complaints relating to failure to comply with the procedural rules or other irregularities in the way in which an appeal has been handled. This does not apply to academies. Complaints relating to academies need to be referred to the Education and Skills Funding Agency.

Contact details for both the Local Government and Social Care Ombudsman and the Education and Skills Funding Agency are on pages ten and 11.

Who can I ask for advice?

Please feel free to contact my office at any time for informal and friendly advice about the appeals process; you may also seek advice from a solicitor. Advice regarding schools with spare places is available from the admissions team at the address and numbers listed on page ten.

Further Information

Appeals process

If you require further information about the appeals procedure please feel free to contact my office on the telephone numbers indicated on the front of this booklet. Additional guidance can also be sought from the school admission appeals code document which can be downloaded from the [Department for Education's website](#).

Tell me what you think

Finally, I am always keen to introduce better ways of doing things so if you have a suggestion, complaint or compliment please let me know.

Checklist of items to send to the clerk three clear working days before the hearing

- Any relevant medical evidence if your case, or part of your case, is related to medical reasons, such as a doctor's note/hospital letter/repeat prescription certificate
- Any relevant information/evidence if you are claiming that your child has been bullied and that forms part of the basis of your case, for example from school or police if the matter has been referred to them

Checklist of items to bring with you

- The information sent to you outlining the case of the Local Authority (LA) or school
- This booklet
- Any information which you think might help your case.

Useful contacts

Admissions Team, Children and Family Services

Swann House, Booths Road, Stoke-on-Trent, ST4 4SY

[Email admissions@stoke.gov.uk](mailto:admissions@stoke.gov.uk) or telephone 01782 234598

Helen Barr, Julie Harvey, Sharon Simpson, Clerk to the Education Appeals Panel

Democratic Services, Civic Centre, Stoke-on-Trent, ST4 1HH

[Email schooladmissionappeals@stoke.gov.uk](mailto:schooladmissionappeals@stoke.gov.uk) or telephone 01782 232784, 01782 232617 or 01782 232106

For complaints about Local Authority-maintained school appeals

Local Government and Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH
Parents are advised to read the fact sheet available by following the link below before submitting a complaint.

[Click here to read the factsheet](#)

If having read the fact sheet you still wish to complain, please complete the on-line complaints form by following the link below:

[Click here to make a complaint on the LGO website](#)

Telephone: 0300 061 0614 (LGO advice team) or [click here to visit the LGO website](#)

For complaints about academy appeals

Education and Skills Funding Agency, Cheylesmore House, 5 Quinton Road, Coventry, CV1 2WT

Parents are advised to read the fact sheet available by following the link below before submitting a complaint.

[Click here to read the factsheet on GOV.UK](#)

If having read the fact sheet you still wish to complain, please complete the online complaints form by following the link below.

[Click here to make a complaint on the GOV.UK website](#)

Telephone 0370 000 2288 or click here to visit the [Education and Skills Funding Agency website](#)

Stage one of the appeals process – quick guide

1. The chair of the panel will welcome all parties concerned and introduce those present
2. Local Authority (LA) or school to present their case
3. General questions by all parties
4. The panel withdraws to make a decision in relation to the information heard in the first stage and whether it needs to go to stage two. Then either:
 - a. If the LA or school fails to satisfy the panel, your appeal will be upheld at stage one
 - b. If the panel agrees with the LA or school, they will commence to stage two

Stage two of the appeals process – quick guide

1. Appellants to present their case
2. Panel considers appellants' special circumstances
3. Decision letter within five working days

Use this space to write any further information you would like to submit to the education appeals panel