



Diocese of Guildford

School Admission Appeals – Frequently Asked Questions

1. **When do I have the right to appeal?** Under the School Standards and Framework Act 1998 (as amended by subsequent Acts) and the School Admission Appeals Code 2012, produced by the Department for Education (DfE), you have the right to appeal against any decision made by or on behalf of the Admission Authority of the school for which you have expressed a preference. In the case of Voluntary Aided and Foundation schools, the Admission Authority is the Governing Body of the school in question. You should therefore contact the school direct in order to find out how to appeal.

You can also appeal *against* the school which may have been offered to you by the Local Authority, however, you can only do this once you have exhausted your appeals for all of your preferred schools. Please note that in this type of appeal, a Panel can only decide if the original offer of a school was reasonable or not. If the Panel find that it was not reasonable, the Local Authority must offer you another school but the Panel cannot impose any requirements on this offer. Nor can they insist that a place should be offered by one of your original Aided or Foundation preferred schools. In other words, it may be beneficial for you to try and negotiate an acceptable, alternative offer with the Local Authority.

You may also lodge an appeal if you have recently moved into the area or you wish your child to change schools mid-term and you have been refused admission at your preferred school. These appeals will be heard within 30 school days.

2. **What if I am offered an alternative school?** It is only fair to state that many appeals considered by Independent Appeal Panels are not successful, therefore it would be in your interests to consider an alternative school for your child. Officers at the Surrey County Council Contact Centre (Tel. 03456 009 009) should be able to assist you with any queries about alternative schools.
3. **Can I appeal for a place at more than one school?** Yes, you can, providing that the schools are named on your preference form. As stated above, the Governing Body is the Admission Authority for

Aided and Foundation schools, therefore you will probably need to contact the school direct for details of how to appeal.

4. **Can I still appeal if my child is on the school's waiting list?** Yes, you can still appeal as the two processes are entirely separate and unrelated. Your position on the waiting list is not relevant to your appeal, indeed the Panel should not be informed of it as it has no bearing on their decision.
5. **What if my child has a statement of Special Educational Needs (SEN)?** If your child has such a statement, your appeal must be made to the Special Educational Needs and Disability Tribunal (SENDIST) via the SEN Officer dealing with your child. The Guildford Diocese Appeals Service will not be able to deal with your appeal in this case.
6. **How much notice of the appeal hearing will I be given?** You will be given at least 10 school days notice of the date, time and location of the hearing. However, if you waive this right (and it may be to your advantage to do so), your appeal may be heard within a shorter time frame.
7. **Who will hear my appeal?** Your appeal will be heard by three trained and experienced Panel Members, all of whom are completely independent. They will include an 'Education' representative and a 'Lay' representative. There will also be a Clerk present throughout the hearing to advise on legal matters and to record the proceedings but s/he takes no part in the decision-making process.
8. **What decisions can the Appeal Panel make?** The Panel will listen to your case and to the school's case and can ask questions of both. It will consider all written evidence submitted prior to the hearing and all oral evidence presented at the hearing but is unable to enter into any debate on the issues raised. It can either allow your appeal or reject it, there is no other course of action open to it. If the Panel allows your appeal, the school must offer your child a place and the decision of the Panel is final.
9. **Can I attend the hearing?** Yes, indeed you are encouraged to attend the hearing and to present your case personally. Most parents do take up this opportunity so that they can say everything that they want to say and so that they can provide answers to questions from the Panel and from the school. However, if you decide not to attend, your appeal will be heard by the Panel and a representative of the school Governing Body, based on your previously submitted written evidence. It is advisable to attend if at all possible. Please note that if you indicate that you will attend but are absent on the day, your appeal will go ahead without you. However, *Appeal Panels give equal*

consideration to appeals heard in the absence of parents as to appeals heard in the presence of parents.

10. **Can I bring someone else along?** Yes, you may bring a partner, friend or adviser with you providing that you have supplied their details to the Panel beforehand and that there is no reason to suspect that their attendance is in contravention of any requirements in the School Admission Appeals Code. You may also designate someone to attend the appeal on your behalf, providing that you have made this clear on the appeal form.

Please note, it should not be necessary to be accompanied by a solicitor or lawyer, as we try to maintain a reasonably informal atmosphere. However, if you wish to do so, please ensure that you have completed their details on the Notice of Appeal to give the Panel sufficient notice.

Nor should it normally be necessary to bring witnesses, but providing that the Panel consider it appropriate, they may attend and give evidence, as long as what they have to say is relevant and not repetitive. Similarly, the school Presenting Officer is also entitled to bring along a witness and on many occasions, this will be the headteacher or governor of the school.

11. **What if I have a disability?** Please let us know in advance so that we can try to make the necessary arrangements to accommodate you.
12. **What if I need an interpreter or signer?** We can arrange this for you if you let us know what language you require, on the appeal form. Alternatively, you may arrange your own interpreter but you must let us know at least 7 days before the hearing that you intend to do this.
13. **Can I bring my child to the hearing?** This is not encouraged as it is likely to be stressful and/or tedious for them and there are no childcare facilities at the venue. Please also note that the Panel will ask as many questions as necessary to get a clear picture of the case and this may not be appropriate in front of a child.
14. **How do I present my case?** You will need to complete the Notice of Appeal form as comprehensively as possible, including all relevant details and any supporting documents (it is not sufficient to write just a couple of lines as this is likely to delay the hearing). This will then be sent to the school so that they can compile their case as to why they were not able to comply with parental preference. Both sets of papers will then be sent to yourself and to the Panel Members so that they have ample time to familiarise themselves with the contents, prior to the actual hearing. NB. You cannot submit any evidence *after* your appeal has been heard.

15. **What sort of evidence should I include?** If your case is based on medical grounds, you should if possible, produce written evidence from a medical practitioner to support your case. If your case is based on a house move, you should include written supporting evidence from a solicitor eg. exchange of contracts etc. Really, whatever you can produce in support of your case, should be included but at any event, it should be submitted **at least 3 working days** before the appeal.
16. **Will I know in advance what the School's case is?** Yes, you will be sent a copy of the school's case and the reasons for not being able to offer your child a place, at least 7 working days before your appeal.
17. **Am I allowed to know why previous appeals at my preferred school have been successful?** There are no precedents on appeals so it is not possible to predict whether or not your appeal will be successful – each one is heard on its merits. Nor is it possible to divulge information about other appeals as all are heard in confidence.
18. **If I accept a place at my offered school, do I lose the right to appeal?** Even if you accept a place at an alternative school, you can still appeal to any of the schools which you named on your preference form. However, accepting a place at a school which you may not really want may well deprive another child of a place at that school, which may be their preferred option.
19. **If my appeal is heard earlier in the day, does it mean that I have a better chance of success?** No decisions are made until all appeals for the same school have been heard, so order of hearings are not relevant. In any event, appeals are normally scheduled in alphabetical order
20. **Can I withdraw my appeal?** Yes, you can withdraw your appeal at any time before the hearing but please let us know as soon as possible.
21. **What happens at the appeal hearing?** You will be sent a detailed notice of the procedure for the day prior to the hearing. However, please do not worry as you will be led through the procedure by the Chairman on the day who will explain it all to you. What is important to note is that the conduct of the appeal will be based on the principles of natural justice.
22. **How do I make an appeal?** If you are appealing for September 2012 entry for a place at a Voluntary Aided or Foundation school, you must lodge the appeal with the Clerk, by 30th March for secondary appeals or 18th May for primary appeals. If lodged on time, we will,

as far as possible, aim to hear your appeal within 40 *school* days of the deadline.

23. **What happens then?** You will be notified of the date, time and place of the hearing (with at least 10 school days notice, unless you have agreed to a shorter notice period). You will also be sent copies of all documents that are to be used at the hearing, including your own case and the school's case.
24. **What happens after my appeal?** After your appeal, you will be notified in writing of the Panel's decision within a few days. However, if you wish to know the result sooner, the Clerk may agree to e-mail you with the result, but will not enter into any discussion about the process nor the Panel's decision. Please note that if there are multiple appeals for the same school, the Panel cannot make any decisions until the last appeal has been heard, so there may be several days' delay in notifying appellants of the results. *Please also be aware that the Diocese of Guildford plays no part whatsoever in the decision-making process and therefore cannot influence or comment on the Independent Appeal Panel's decision.*
25. **Is the decision final?** The decision is final and is binding on the Admission Authority of the school. If your appeal is rejected, there is no further right of appeal unless there is found by the Local Government Ombudsman (LGO), to have been some form of maladministration during the whole appeal process.
26. **Who is the Local Government Ombudsman?** If you feel that there has been any maladministration during your appeal, such as a failure to follow correct procedures or a failure to act independently and impartially, you are invited to contact the above office on 0845 602 1983 or 0300 061 0614, Monday to Friday, 8.30am to 5pm. However, it is important to understand that the LGO cannot change a Panel's decision, but may make recommendations for a suitable remedy if he finds any evidence of such maladministration.
27. **Can I appeal again?** It is not normally possible to make another appeal for the same school during the same school year unless there is a significant change in your circumstances which is relevant to your appeal. Even then, the Admission Authority must agree to another appeal.