



A Guide For Parents

For Admission Appeals Relating to Watling Academy

If your child is refused a place at Watling Academy because it is full, you have the right to appeal against this decision.

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Introduction

Watling Academy is part of the Denbigh Alliance Multi Academy trust. If your child has been refused a place at Watling Academy you have the right to appeal against the decision.

The Academy Standards & Framework Act 1998, as amended by the Education Act 2002 and the Admissions Code (December 2014) govern all Academy admission appeals.

The appeal is heard by an Independent Appeals Panel which is totally independent of the Academy and consists of volunteers who have no connection with the Academy. The Clerk to the Independent Admission Appeal Panel organises the appeal hearings.

This booklet is written for you as a parent to help you understand how the appeal system works, and your role and rights within it.

The booklet provides guidance under the following headings.

- What is an independent Admission Appeal?
- What happens if I decide to Appeal?
- What should I expect at a hearing?
- The Appeal Hearing
- How will the Panel reach their decision?
- After the Appeal Hearing

What is an independent admission appeal?

You may express a preference regarding the Academy you would like your child to attend. However, you do not have an absolute right to choose an Academy. This is because the law states that an Admission Authority need not meet your preferences if the year group in question has reached its published admission number and, as a result, compliance with your preference would “prejudice the provision of efficient education or the efficient use of resources.”

If you receive a letter from us informing you that Watling Academy will not be offering your child a place, you have the right to appeal against this decision to an independent appeal panel. Your appeal will be heard by the appeal panel at a hearing to be arranged by the clerk to the independent appeal panel (the clerk), to which both you and representatives of the Academy will be invited to attend and give evidence. Following the hearing the appeal panel will decide on the case which is binding on both you and the Academy. There is no further right of appeal.

What are my grounds for appeal?

The letter you receive should set out clearly the reasons why the application for your child to join the Academy was not successful, against the published admissions criteria for the Academy. You should read this very carefully. You will be able to question the representative of the Academy about the reasons given for non-admission. You should also consider carefully your reasons for wanting your child to attend this Academy. There may be one over-riding reason or a combination of reasons. These might include:

- Family circumstances
- Existing links with the Academy and transport
- How close you live to the Academy
- How difficult it would be to go to another Academy
- Medical reasons
- The Academy has not administered its admission criteria correctly

Whatever your reasons, wherever possible, you should provide evidence to support your appeal. For example, if you are appealing on medical grounds, copies of letters from your doctor or other medical practitioner should be attached to your form. It is advisable to provide as much evidence as you can.

Can I appeal to more than one Academy at the same time?

Yes. Parents are entitled to make an independent appeal against each unsuccessful application they make for their child to attend an Academy.

My child has been permanently excluded and has been refused a place at another Academy. Can I appeal?

If your child has been permanently excluded from one Academy you can apply for a place at another Academy. If your son or daughter is not offered a place, then you have the right to appeal against that decision. However, if your child has been permanently excluded from two or more Academies you **cannot** appeal against a decision not to admit your child to another Academy. This restriction applies to exclusions after 1 September 1997.

How do I make an appeal?

The letter sent to you informing you that your child has been refused a place at Watling Academy should tell you how to lodge an appeal. If you wish to appeal you must notify the Clerk to the Appeal Panel in writing within fourteen days of issue of the appeal form.

What happens if I decide to appeal?

When will my appeal be heard?

Once you have submitted your written intention to appeal, the Clerk will arrange a time for the appeal to be heard. He/she is required to give you written notice of the time and place of your hearing at least 14 days (10 working days) before the appeal will be heard. If your appeal is urgent, parents can agree with the Clerk to have less than the 14 days' notice. If you agree this with the Clerk, you will be required to confirm this in writing. With the exception of appeals, relating to applications for admission to an Academy at the start of a new Academy year in September, all appeals must be heard within 30 Academy days of submission.

Admission appeals for Watling Academy are considered during term time only.

Bulk appeals

The busiest period during the year is between April and June when appeals are considered for entry to Watling Academy for the following September.

Appeals for admission where an on-time admission application was made (i.e. for those relating to decisions sent on national offer day), must be heard by 6 July or the next working day if 6 July falls on a weekend.

Appeals held during this time are often referred to as 'bulk appeals. It can take several days for Appeal Panels to hear all the appeals for the Academy. If your appeal is a bulk appeal it will still be held in private, but to ensure a fair process, the Appeal Panel cannot make their decision about your case until all the appeals have been heard. This means that it may take a little longer for you to receive the Appeal Panel's decision.

Appeals relating to applications for entry at the start of a new Academy year which are received after the deadline should, if possible, be included with those being heard for on-time appeals. However, if this is not feasible, appeals for late applications must be heard within 30 Academy days of the appeal being lodged.

What happens next?

At least seven working days before the hearing you will receive a full set of papers. All members of the Appeal Panel and the representative of the Academy will be sent copies of these papers at the same time. The papers will include copies of:

- All correspondence between yourself and the Academy
- Your appeal forms
- Papers you have supplied to the Clerk to support your grounds for appeal
- A statement from the Academy
- An agenda stating what will happen during the hearing

How do I prepare for my appeal?

You should familiarize yourself with all the papers. Carefully read the statement from the Academy which explains why your child has been refused admission. You will have an opportunity to ask questions about what is written in the statement. You should spend some time deciding what you would like to say when the Appeal Panel asks you for your reasons for wanting your child to attend Watling Academy. It may help to write this down. Any additional evidence to support your appeal can be sent to the Clerk right up until the day of the hearing, or you can bring it with you. Please note if significant information is received on the day of the hearing, the Appeal Panel may have to adjourn your appeal. This would be to ensure that the Appeal Panel and the Academy representative had enough time to read the additional evidence and give it proper consideration and, if appropriate, allow sufficient time for the Academy to respond. If you present additional documentation on the day of your appeal it is helpful if you can provide 5 copies.

Where do I go for the appeal?

The Clerk will notify you of the date, time, and location of the hearing. Please notify the Clerk if you have any access needs or require any special equipment such as a loop system or whether you need an interpreter.

Every effort will be made for your appeal to be heard at the designated time. The Appeal Panel usually meet to consider a number of independent appeal requests and, as everyone is given as much time as they need to present their case, occasionally appeals can run late. Your patience and cooperation is appreciated in these circumstances.

Can I bring someone with me to help me present my case?

You may bring a member of your family, or friend, your neighbour or a representative along with you, either to help you say what you want or to speak for you or to simply give you support.

The friend/adviser may be a locally elected politician or an employee of the local authority such as a social worker, special education needs adviser, learning mentor, or a choice adviser provided there is not a conflict of interest. The friend/adviser cannot be an employee of the Academy or of the admission authority.

It should not normally be necessary for you to bring a solicitor or lawyer as this is not a court of law and we aim to keep the appeal hearing as informal as we can. Any legal costs incurred by you are not recoverable in any event.

Before the appeal hearing

- Make sure you have studied the statement from the Academy
- Write down any questions you would like to ask about the statement
- Write down any questions you may have about your appeal
- It may be helpful to write out your case to read out at the hearing
- Be prepared to answer any questions put to you by the panel or the Academy representative(s)
- Collect any extra paperwork to support your appeal
- Invite a partner or friend to come with you if you wish
- Advise the Clerk if you have any access needs or require any special equipment or other assistance

Can I withdraw my appeal?

Yes. You can withdraw your appeal before (or during) the appeal hearing by telephoning and then confirming it in writing to the Clerk. However, if you wish your appeal to be reinstated you will normally be expected to show good reason why it should be. Please give the matter careful consideration before you do withdraw your appeal.

What should I expect at a hearing?

Who will be there?

- You, and a partner, friend, supporter, and/or an adviser
- Your child, if you wish him/her to attend
- The Appeal Panel (3 or 5 members)
- The Clerk to the Appeal Panel
- The Presenting Officer and possibly a representative of the Academy such as the Headteacher, Deputy Headteacher or Chair of Governors of the Academy

Sometimes there is an observer. This may be someone from the Council on Tribunals, which is the body responsible for regulating Academy admission appeals, or it may be someone who is training to be a Panel Clerk, a Panel Member or a Presenting Officer. The representative of the Council on Tribunals has a legal right to be present; otherwise you will be asked if you object to an observer being present.

What is an Appeal Panel?

The Appeal Panel will have 3 (or sometimes 5) members. It is entirely independent of the Academy. No member will have any connection with the Academy or with any of the appellants. All members of the Appeal Panel are volunteers. There will be at least one lay member, who has no experience of the provision of education (but may be an Academy governor at another Academy) and one non-lay person, such as a retired teacher.

Councillors from Milton Keynes Council are not allowed to be Panel Members; nor are any past or present employees of Milton Keynes Council, other than a teacher. No past or present employee of Denbigh Academy can be a Panel Member.

The Appeal Panel will have received training for their role. They are there to consider the written evidence, listen to the oral evidence and ask questions of both sides. They will then decide which is binding on both you and the Academy.

What is the role of the Clerk to the Appeal Panel?

The Clerk arranges the hearing; provides independent advice to you on the appeals process prior to and during the hearing; and takes notes at the hearing to record the proceedings. The Clerk is responsible for ensuring that the relevant facts are established and that the appeal hearing is carried out fairly. Within seven days of the hearing the Clerk will write to tell you the Appeal Panel's decision.

The Clerk is not part of the Appeal Panel and does not take part in the decision-making process, although the Clerk will be present when the Appeal Panel makes its decision.

What is the role of the Presenting Officer?

The Presenting Officer is employed by, or contracted to, the Academy and is responsible for producing the case stating why a place cannot be offered for your child at Watling Academy. S/he will present the case on behalf of the Academy at the hearing and answer any questions raised by you and the Panel members. A representative of the Academy such as the Headteacher, Deputy Headteacher or Chair of Governors may also attend to answer any questions raised about the Academy.

The Presenting Officer is not involved with the decision-making process in any way.

Should I attend the appeal hearing?

Yes, if possible. You will best be able to provide information to help the Appeal Panel reach a balanced decision. If you cannot attend, and another date cannot be arranged, the appeal will be heard in your absence based on the written evidence alone.

Is there anyone who can help me with preparing for my appeal?

In the first instance please contact the Clerk who can help you with any queries or concerns you may have. The Clerk can be contacted on 020 8920 3662.

If you would like further advice or information, the Advisory Centre for Education (ACE) is an independent national education advice centre which provides information on the educating system. ACE operates a national advice line and produces a wide range of publications. ACE may be contacted on Freephone 0808 800 5793.

Can I ask the Appeal Panel to contact anyone, such as my doctor or social worker, to confirm what I have said on my appeal form or at the appeal hearing?

No. **You** are responsible for making sure that the Appeal Panel has any written supporting evidence at the hearing.

The Appeal Hearing

What will happen at the appeal hearing?

If there are a number of appeals for the same Academy and year, your appeal may be heard as part of a bulk appeal. This means that a number of parents will be invited to attend along with the Panel to hear and question the Presenting Officer on whether the provision of efficient education and the efficient use of resources would be prejudiced by admitting any more children to the Academy (the case for the Academy), **Stage 1** (see section on 'The Appeal Panel's Decision').

After hearing the case, together with the questions from the panel and Parents, the Panel will then decide whether there was a good reason for not admitting more children. An example might be where the Academy had very small classrooms and could not fit additional children in without making a space too cramped for good teaching and learning.

You will then have an individual hearing. This is **Stage 2** of the appeal (see section on 'The Appeal Panel's Decision')The Panel will hear details of your individual circumstances and why you believe your child should be admitted to the Academy. You can mention all the reasons why you think Watling Academy would be the best for your child and what special factors justify your child being offered a place at the Academy.

It is most likely that this (Stage 2) will happen even if the Panel does decide there was not a good reason for upholding the case that the Academy is full. Unless the Panel consider that the Academy has sufficient places to admit all children submitting an appeal, it will need to decide how many pupils the Academy has capacity to take and which pupils, of those appealing, should be admitted, taking account of the admission criteria and the personal circumstances of the children.

In a **single appeal hearing** Stage 1 and Stage 2 will take place during the same session.

The hearing will follow a set procedure, but every effort will be made to make the hearing as informal as possible.

Before the hearing you will receive an agenda, stating the order of the proceedings. At least three days before your hearing you will be informed of the names of the Clerk and the panel members and in what capacity they are serving, if these have not already been notified at an earlier stage. The names may be subject to change due to unavoidable circumstances. The Clerk will ensure that your appeal is conducted as follows:

- Welcome
- Outline of the procedure to be followed
- The case for the Academy

- Questions
- The case for the parent
- Questions
- Summing up by the Presenting Officer
- Summing up by the parent

The Chair will invite you to ask questions at the appropriate points and give you as much time as you need to put your case to the Panel. At the end of the hearing you will be asked if you want to summarise your case. You may also use this opportunity to add anything you may have forgotten to mention earlier.

The panel members can ask questions at any time to clarify what is being said, or to gain further information.

Occasionally it may be necessary to adjourn the hearing to allow further information, for example, about the Academy to be obtained. If this is the case the Presenting Officer and you will be asked to leave the room until the information has been received.

After the Hearing

You will be asked to leave the room at the same time as the Presenting Officer. The Appeal Panel will not start to make its decision until all the appeals have been heard for that day or, for bulk appeals, all the scheduled appeals have been heard.

When there are a number of appeals to be heard, the Academy may present their case only once, and all appellants will be invited to hear the case at the same time, and to ask questions of the Academy's representatives at a public meeting. This is known as a multiple appeal, and may take place on a different day. The individual cases are then heard by the panel in private. To ensure a fair process, the Appeal Panel cannot make their decision about your case until all the appeals have been heard. This means that it may take a little longer for you to receive the Appeal Panel's decision.

How will the Appeal Panel reach their decision?

In order to reach a decision, the Panel is bound by the legislation set out in the Academy Standards and Framework Act 1998, as amended by the Education Act 2002. The decision-making process has two stages.

Firstly, the panel considers whether the Academy's published admission arrangements:

- (a) comply with the mandatory requirements of the Academy Admissions Code and Part 3 of the SSFA (Academy Standards & Framework Act)1998; and
- (b) were correctly applied in your child's case and decide whether 'prejudice' would arise were an additional child to be admitted.

Secondly, the Panel must decide whether the admissions authority has proved that the duty to offer your child a place at the Academy of your choice does not apply because the Academy is full.

The panel will consider whether the admissions criteria were correctly and impartially applied. If it believes not, the panel has a duty to allow the appeal if your child has been wrongly denied a place at the Academy.

Stage 1 :Case for the Academy

Would prejudice be caused by the admission of additional children which prevents the Academy from providing efficient education and/or making the best use of money and other resources available?

The Panel will also take account of a number of factors including: the Academy's published admission number, levels of staffing, available teaching space, classroom organisation and management and the Academy's student:teacher ratio. However, the Panel is not bound by these criteria when reaching its decision.

If the Panel is satisfied that the admissions criteria has been correctly applied and the admission of an additional child would prevent the Academy from providing efficient education and/or making the best use of money and other resources available, it will then move on to Stage 2 of the process.

Stage 2: The balancing stage

The Panel considers the reasons you have stated why you want your child to attend a particular Academy and decides whether, if the Panel exercises its discretion to allocate a place for your child at the Academy, this would outweigh the prejudice that would occur.

When making its decision the Panel will consider the reasons you have expressed for wanting your child to attend the Academy and any special circumstances stated by you.

The decision is binding on you, the Academy, and the Local Authority. This means that once the Panel has made its decision there is no right of appeal open to any of the interested parties, however, please see page 13 – 'What can I do if I am unhappy about the appeal process'.

When will I hear the outcome of my appeal?

The Clerk to the Appeal Panel will send you details of the Panel's decision by first class post within seven days of the hearing. This may be delayed if there are a lot of appeals for admission to the Academy, for example, during the bulk appeals period.

Does the Appeal Panel ever adjourn the appeal hearing?

Yes. The Appeal Panel may adjourn the appeal hearing to later in the same day or another day in the following circumstances:

- ✓ If substantial new issues are raised for the first time at the hearing it may be necessary to adjourn to allow any party taken by surprise to consider the issues; or
- ✓ If a parent submits a lot of additional information on the day of the hearing and it is in the best interests of both parties that the Appeal Panel ensures it considers the new information before it; or
- ✓ If the Appeal Panel requires further information to be obtained by the Academy or parent; or
- ✓ If, due to the time it takes to deal with any stage of any appeal that was not anticipated, the Appeal Panel may have to adjourn that appeal and/or any other appeal to a later time or another day; or
- ✓ If a member of the Appeal Panel is ill or absent; or
- ✓ For any other appropriate reason.

After the Appeal Hearing

If my appeal is turned down can I appeal again?

No. There is no appeal against the decision of the independent Appeal Panel. However, if your circumstances change **significantly**, for example if you move into the defined area, you may apply to the Academy again. It is up to the Academy to decide whether there has been a material change in circumstances and whether it will, therefore, consider your application again. A fresh appeal can only be made if the Academy considers the application again and turns it down.

What if I am unhappy about the appeal process?

If you think that the proper procedures have not been followed you can refer the matter to the Secretary of State for Education. This is **not a right of appeal** and must relate to issues such as a failure to follow correct procedures, or a failure to act independently and fairly, rather than you just think that the decision is wrong.

The Secretary of State cannot review or overturn decisions of individual appeal panels but can consider whether:

- a) the panel was correctly constituted; and
- b) the academy has acted reasonably in exercising functions in respect of the appeal process or has failed to discharge any legal duty in relation to that process e.g. by acting in breach of the mandatory provisions of the Academy Admission Appeals Code.

If, for example, the Appeal Panel was not properly constituted, the Secretary of State could exercise his/her powers by directing that a properly constituted Panel should be set up.

What if I think that the decision of the Appeals Panel was wrong in law?

An Appeals Panel's decision can only be overturned by the courts where the parents or the Academy are successful in applying for a judicial review of that decision.

If you wish to consider this course of action you should take independent legal advice **as soon as possible** as normally there is a time limit.

What happens if a place becomes available at the Academy after the appeal decision?

Watling Academy reserves the right to offer the place to the student considered to have first right to the next available place, in accordance with the published admissions criteria.

Appendix 1

The Clerk to the independent Appeal Panel for Watling Academy can be contacted as follows:

Clerk to the Independent Appeal Panel
Revive Centre
47 London Road
Enfield
EN2 6DS
Tel: 020 8920 3662

Appendix 2: Useful addresses

Academy Admissions Team

Children and Young People's Services Saxon Court 502 Avebury Boulevard Milton Keynes MK9 3HS	Tel: 01908 253338 Email: education@milton-keynes.gov.uk
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The **Advisory Centre for Education (ACE)** can be contacted at:

ACE 1b Aberdeen Studios 22 Highbury Grove London N5 2DQ	Tel: 0300 0115 142 Website: www.ace-ed.org.uk
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The **Equality and Human Rights Commission (EHRC)** can be contacted at:

EHRC Fleetbank House 2-6 Salisbury Square London EC4Y 8JX	Equality Advisory Support Service (EASS) Tel: 0808 800 0082 Textphone: 0808 800 0084 Website: www.equalityadvisoryservice.com
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The **Department for Education** can be contacted at:

Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

If you would like to ask someone at the Department for Education about Academy admissions, please contact their Public Enquiry Unit as follows:

Tel: 0370 000 2288 Website: www.education.gov.uk

Copies of the Academy Admission Code and Academy Admission Appeals

Code may be obtained from:

Department for Education Publications
PO Box 5050
Annesley
Nottingham
NG15 0DJ
Tel: 0845 602 2260

A copy of these documents can be downloaded from the Department for Education website or purchased from The Stationery Office (TSO) by telephone on 0870 600 5522 or by email to customer.services@tso.co.uk.