



NETHERAVON ALL SAINTS C of E PRIMARY SCHOOL

High Street
Netheravon
Salisbury
Wiltshire
SP4 9PJ

Please read this guide before completing your admission
appeal form

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Introduction

We understand that going through the appeal process can be a worrying and anxious time for you and we hope that the information contained in this guide will simplify the process for you. It will take you through the appeal process, explain what happens at each point and what you need to do.

Your rights

You have the right to appeal for places at all schools for which you have applied and been refused a place. The right of appeal does not apply if your child has been permanently excluded from two schools.

You can only appeal once in every academic year unless there has been a significant change in circumstances. If this is the case you need to reapply for a place at the school and be refused before you can appeal. You can only appeal for the year group for which you have been refused.

Where to send your appeal form

Your completed form should be marked 'Private and Confidential' and returned to:

Clerk to the Appeal Panel

c/o Netheravon All Saints C of E Primary School

High Street

Netheravon

Salisbury

Wiltshire

SP4 9PJ

Please do not assume that a first class stamp will ensure delivery the following day. If you are close to the published closing date consider using a guaranteed next day means of delivery.

We cannot be held responsible for forms that do not arrive on time; that are lost in the post; or that are sent to other locations.

Types of appeal

On-time intake appeals

This is where your child is entering Reception year and where we have received your appeal form on or prior to the published closing date.

Late intake appeals

These are where your child is entering Reception year and where we have received your appeal form after the published closing date.

Mid-year appeals

These are where you wish your child to move schools during other times in the academic year, i.e. because the family has moved house. These appeals have no published closing date and are heard throughout the year.

Infant class size appeals

This type of appeal can only apply to applications for Reception, Year 1 and Year 2 (Key Stage 1), i.e. any class in which the majority of children reach the age of 5, 6 or 7 during the school year. Legally such classes cannot have more than 30 pupils with a single qualified teacher. Not all appeals involving these year groups are covered by infant class size restrictions. Your refusal letter from the admission authority will tell you whether or not your application has been turned down because of infant class size legislation.

There are very limited chances of success for Infant class size appeals. The panel can only offer a place where it is satisfied that:

1. The admission of additional children would not breach the infant class size legislation; or
2. The admission arrangements did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had been complied with or had been correctly and impartially applied; or
3. The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

In order to determine whether it was 'unreasonable' to refuse admission to your child, the panel must be satisfied that the decision was 'perverse in the light of the admission arrangements'. For example, it was 'beyond the range of responses open to a reasonable decision maker' or 'a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it.'

The Local Government Ombudsman fact sheet on Complaints about Infant class sizes does state that, 'A decision that makes it impossible for you to transport all your family to school on time, or even impossible for you to continue working, is very unlikely to be perverse. The courts have established this.'

Important deadlines

Received on time – Intake appeals

All on-time intake appeals will be heard before the end of the summer term of the academic year in which they were made. Upon receipt of your appeal there are 40 school days to hear it.

Received late – Intake appeals

The aim is to hear all late intake appeals at the same time as on-time appeals. However, if this is not possible your appeal will have to be heard at a later date (in the next academic year, usually late September – early October).

Mid-year appeals

All mid-year applications will be heard within 30 school days of the appeal form being received by us.

Completing the appeal form

Please take the following information into account when you fill in the form:

- ◆ Please complete the form clearly and ensure that you provide all the information requested. If you don't this may result in a delay in processing your application.
- ◆ Your 'reasons for appeal' are very important as this helps the panel understand your child's case. This section must be fully completed. If not the form will be returned to you. Please explain, as fully as you can, why you want your child to attend this school. If you think your application for a place at this school has not been treated correctly or in accordance with the admissions criteria then you should explain why.
- ◆ If there are medical issues involved, it is important that these are supported by written evidence, i.e. doctor's letter.
- ◆ If your case is based on a house move, you should provide written evidence to confirm this. For example, a letter from your solicitor or a copy of your tenancy agreement.
- ◆ You may also include other relevant letters, correspondence, reports or documents to support your case.
- ◆ You don't need to wait until you have all supporting evidence before you send your form to us as this may delay the processing of your appeal. Supporting evidence can be sent later.
- ◆ If, for any reason, you cannot attend the appeal hearing the panel will make a decision based upon what you have sent in.
- ◆ Please make sure you sign and date your form.
- ◆ Please send the completed form to the address stated on page 3.

What happens next?

- ◆ Once a date is agreed an independent appeals panel will be organised, together with a clerk and suitable venue.
- ◆ You will receive a letter at least 10 school days before the hearing advising of the date, time and venue of your appeal hearing. Given the number of appeals received and other factors it may not always be possible to take into consideration any dates which you have indicated as inconvenient. The letter will give you a deadline by which additional supporting evidence can be accepted. The deadline is necessary because paperwork has to be sent to all parties within a statutory timeframe. If you cannot get your supporting evidence to the clerk by this deadline you may bring it with you to the hearing – please bring six copies. However, please bear in mind it is up to the panel to decide whether any material not submitted by the specified deadline is considered. They will take into account its significance and the effect any possible adjournment may have on the hearing.
- ◆ You will receive another letter approximately seven working days before the hearing date. The letter will include all paperwork necessary for the hearing to take place. It will include a list of the panel members, clerk and presenting officer from the admission authority; the refusal letter; the admission authority's case and your appeal form along with any supporting evidence you have provided. This paperwork is also sent to the admissions authority, panel members and clerk. If you know any of the panel members listed where there may be a conflict of interest, please contact the Clerk to the Appeal Panel immediately to discuss.
- ◆ If you have indicated on your form that you will be attending the appeal hearing and you subsequently find that you are unable to, please let us know. If you fail to attend when you have indicated you will and we have not heard from you, the panel will consider your written case in your absence.
- ◆ If you have indicated on your form you will not be attending the appeal hearing and you subsequently find that you can, please let us know so we can hear your appeal at the scheduled time.
- ◆ If you have agreed to waive your right to 10 school days' notice of your appeal hearing date, it may be possible to hear your appeal earlier.

Who will be at the appeal hearing?

- ◆ You and anybody else you have told us you wish to bring along for support.
- ◆ If you cannot attend, your representative – if you have said you will send one in your place.
- ◆ Three panel members – this will be a mixture of lay members and non-lay members:
 - ‘Lay member’ – someone without personal experience in the management of any school or provision of education in any school (except as a school governor or in another voluntary capacity);
 - ‘Experienced member’ – people who have experience in education, who are acquainted with educational conditions in the local authority area, or who are parents of registered pupils at school’
- ◆ The clerk – the clerk will be your main contact on the day. He/she will be there to meet you and to answer any questions you may have before the hearing.
- ◆ The Presenting officer from Netheravon Academy Trust, the admission authority.

Sometimes there may be an observer at the hearing. This may be someone who is training to be a clerk or a panel member. They will take no part in the hearing or decision making.

What happens on the day?

- ◆ Please arrive at the venue promptly (preferably 5 – 10 minutes early) and report to the reception area.
- ◆ There may be other parents there appealing for a place at the school.
- ◆ The clerk will meet you and explain what will happen during the appeal hearing. The clerk will also answer any questions about the procedure you may have. If you have any additional supporting evidence that you wish the panel to consider, please hand your six copies to the clerk at this time.
- ◆ All appellants and the officer representative of Netheravon All Saints Academy Trust (the Presenting Officer) will be invited into the appeal room. The chair of the panel will introduce the panel members and explain what will happen during the meeting.

Appeals excluding Infant Class Size

- ◆ The appeal hearing will begin with stage one. If there is more than one appeal, all parents will attend this part of the appeal hearing. The admission authority is invited to explain to the panel why they have had to refuse a place at the school. The panel will check to see whether a mistake was made in applying the admission arrangements and if the school could take extra pupils without any adverse impact on the standard of educational provision. The panel members will also consider whether the admission arrangements are lawful. They then have the opportunity to question the admission authority and will invite you (and any other parents) to do the same. If you have any

questions about the school's case this is the time to ask. Any questions about your personal case must wait until stage two.

- ◆ When stage one is finished, you (and any other parents) and the Academy Trust's Presenting Officer will be asked to leave the room.
- ◆ The clerk and the panel have to decide whether or not the school has made its case.
- ◆ If the decision at stage one is that the school has not made its case, it may be that you are offered a place at this point.
- ◆ If the decision at stage one is that the school has made its case, the appeal hearing goes to stage two.
- ◆ Stage two is your own personal and private meeting with the panel. No other parents will be at this meeting. You will be asked to put your own case forward in whichever way you find easiest. You may wish to just highlight the important points of your written case; you may wish to read out your written case or you may wish somebody else to read out your written case.
- ◆ The panel will ask you questions about your case and the Academy Trust's Presenting Officer may wish to ask you questions.
- ◆ The chair will make sure you have covered all points that you wanted to make and will ask if you feel you have had the opportunity to fully put your case to the panel.
- ◆ At the end of stage two you and the Academy Trust's Presenting Officer will be asked to leave the room. This is also the end of your participation in the appeal hearing and you are now free to leave.
- ◆ If there are other parents appealing, they will have their stage two hearing.
- ◆ When all parents have completed stage two, the panel makes its decisions.
- ◆ You will receive a telephone call later that day or the following day to be told the outcome of your appeal. This will be followed by a letter, usually within five days of the appeal hearing, confirming the panel's decision and the reason/s for the decision.

Infant Class Size appeals

- ◆ The appeal hearing will begin with the Academy Trust's Presenting Officer explaining to all parents who are appealing the reasons why no more children can be admitted to the school.
- ◆ The panel then has the opportunity to question the Academy Trust's Presenting Officer and will invite you (and any other parents) to do the same. If you have any questions about the school's case this is the time to ask.
- ◆ You and other parents and the Academy Trust's Presenting Officer then leave the appeal room while the panel consider the school's case.
- ◆ You will then be invited back into the appeal room for your private appointment with the panel to explain your case. No other parents will be present.
- ◆ The panel then has the opportunity to question you and will invite the Academy Trust's Presenting Officer to do the same.

- ◆ You and the Academy Trust's Presenting Officer will then be asked to leave the room. This is the end of your participation in the appeal hearing and you are now free to leave.
- ◆ The other parents will have their appeals heard in private.
- ◆ When all parents have had their appeals heard the panel will then make the decision.
- ◆ You will receive a telephone call from the clerk either later that day or the following day to be told the outcome of your appeal. This will be followed by a letter, usually within five days of the appeal hearing, confirming the panel's decision and the reason/s for their decision.

Further advice and complaints information

The internet is probably the best place to go to find out more information and we recommend that you begin by visiting the Advisory Centre for Education (ACE) website at www.ace-ed.org.uk or by telephone on 0808 800 5793.

If you want more information about the Admission Appeals Code you can visit the Department of Education's website to view the code at www.education.gov.uk

Frequently asked questions

Q. Do I have to pay for the appeal?

A. There is no charge to parents for appeals.

Q. Can I ask the panel to contact anyone, such as my doctor or social worker, to confirm what has been said on my appeal form or at the hearing?

A. No. You are responsible for making sure that the panel has any written supporting evidence at the hearing.

Q. What documents or information can I add to my appeal notice?

A. In your case you can mention all the reasons why this school would be the best school for your child and what special factors justify your child getting a place. There is no information you cannot include and everything you say or write will be handled in confidence.

Q. How long will the hearing take?

A. This is difficult to say, however, generally for mid-year appeals both stage one and stage two take about half an hour each. In multiple intake appeals, stage one could take forty-five minutes to an hour and stage two about thirty minutes; but it really depends on the complexity of the cases being heard.

Q. Can I bring a friend to the appeal hearing?

A. Yes. You can bring somebody with you either to support you or to speak on your behalf.

Q. Do I need to bring my child with me?

A. No, we actually advise against it. The venue does not have facilities for children and attendance at the appeal hearing may result in an unauthorised absence from school. Your child may also find the hearing difficult and confusing.

Q. How does the panel reach a decision?

A. The appeal panel reaches a decision in private, by a majority vote. If the panel is considering a large number of appeals, they will not make a decision about an individual case until all parents have had a chance to put their case forward.

Q. Where are the appeals heard?

A. At suitable independent and accessible venues in the Netheravon area which is in close proximity to the school.

Q. I am appealing for other children. Will their appeals be heard on the same day?

A. We do our best to hear the appeals on the same day. However this is not always possible.

Q. Can I change the date or time of my appeal?

A. We will do our best to accommodate your needs but due to timetabling, statutory timeframes and numbers of appeals being heard on the same day this is not always possible.

Q. What should I do if I change my mind about appealing?

A. If you decide to withdraw your appeal, please let the Clerk to the Appeal Panel know as soon as possible – via 01980 670339 or email: admin@allsaints-netheravon.wilts.sch.uk

Q. Do I need to instruct a solicitor to represent me at the appeal hearing?

A. No. All panel members are independent and fully trained. They are used to talking to parents and will do their best to put you at your ease. However, if you feel it necessary, you may be represented by a solicitor if you wish.

A representative of the academy trust (the Presenting Officer) will present the school's case.

Q. We are currently living abroad/outside of Wiltshire. Can we send somebody to represent us?

A. Yes. Contact the Clerk to the Appeal Panel c/o 01980 670339 or email: admin@allsaints-netheravon.wilts.sch.uk

Q. My child's name is on a waiting list. Will my appeal affect my child's place on that list?

A. No. If your appeal is unsuccessful your child's name will stay on the waiting list. If you win your appeal your child's name will be removed from the waiting list. For further information about waiting lists please contact our school office 01980 670339 or email: admin@allsaints-netheravon.wilts.sch.uk

Admissions Appeal Timeline

| Action | Deadline |
|---|---|
| Date by which an appeal must be submitted | 4 pm on 2 May 2018 |
| Date when appeal will be heard | All appeals received by 2 May 2018 will be heard between 25 May 2018 and 20 June 2018 |
| Dates when appellants will be sent notification of their appeal hearing | 11 May 2018 to 5 June 2018 (10 school days in advance of the hearing) |
| Date by which the Clerk sends appeal papers to the parents, the panel and the admission authority | 15 May 2018 to 8 June 2018 (7 clear working days before the appeal hearing) |
| Deadline for appellants to submit additional evidence | 8 am, 5 working days before the appeal hearing |
| Decision letters sent to the Appellants | Within 5 school days of the appeal hearing (whenever possible) |