

SECONDARY ACADEMY ADMISSION APPEALS

**A GUIDE FOR
PARENTS AND CARERS**



The Priory Pembroke Academy
Croft Lane
Cherry Willingham
Lincoln
LN3 4JP

1.0 INTRODUCTION

This guide relates only to appeals for **The Priory Pembroke Academy**.

All appeals are conducted in accordance with the Academy Standards and Framework Act 1998 as amended by the Education Act 2002. The procedures set out in this booklet are based upon this Act, advice published by the Council on Tribunals and the Admission Appeals Code of Practice published by the Department for Education and Skills. If you need to see a copy of the 1998 Act, a copy is available for you to look at from the County Secretary and Solicitor's Office of Lincolnshire County Council.

Important – Children with an Education Health Care Plan (previously A Statement of Special Educational Needs)

The appeals procedure outlined in this booklet does not apply to students who have an Education Health Care Plan (EHC Plan). If your child has an EHC Plan and is not offered a place at your preferred Secondary Academy, the appeal must be heard, in accordance with the Special Educational Needs and Disability Act 2001, by a Special Educational Needs Tribunal. If you wish to appeal, you should contact your child's named officer in the Special Educational Needs Services Group (tel: 01522 553332) whose name should appear at the top of any correspondence concerning your child's Statement.

2.0 WHAT IS AN APPEAL?

The main reason normally for refusing a place is that the year group within the Academy is full.

It is possible that the Academy will receive more applications than it has places. If this occurs then the Governors may have to refuse a place to some applicants. Parents have a right to have this decision reviewed by an Independent Panel. This constitutes an appeal.

Please note:

If your child has been permanently excluded from two or more schools, there is no legal right for you to appeal against the Academy's decision to refuse to admit a pupil within two years of the second permanent exclusion.

3.0 STEPS TO TAKE BEFORE APPEALING

General information about admissions issues, including the availability of places and the possible provision of home to Academy transport to alternative schools, is available from the contacts given later in this booklet.

Before deciding to appeal you should consider all the implications and may wish to discuss the matter with others. Often the Headteacher of your child's current school will discuss your appeal with you.

If your appeal is for a place in Year 10 or Year 11, it is advisable to check that your child's GCSE option subjects and examination boards are compatible with the timetable.

4.0 WHEN TO APPEAL

If you wish to appeal you should do so **as soon as possible** after you are made aware of the decision to refuse your child a place. If you are moving house at the time, please refer to section 5.1. Any appeal for a place at the start of the academic year in September, should be made no later than the date indicated in the notification of inability to offer a place.

Where parents move into a new area after the end of March, an appeal will be heard at the earliest available date.

Under normal circumstances, appeals are heard within 30 academy days of the appeal being lodged.

5.0 COMPLETING THE NOTICE OF APPEAL

A letter outlining the basis for appeal needs to be completed **carefully and honestly** and to be submitted to the Clerk. Failure to supply full details could result in a delay to your appeal being heard.

If you are disabled, have other special needs, difficulties with mobility, or any language or other communication difficulties, then please contact Mrs L Garner who will make appropriate arrangements for the appeal to be heard.

5.1 Change of Address

If you are likely to change address between the date you send in your notice of appeal and the date you wish your child to start at the Academy, the Panel will only consider your proposed address if you have entered into a definite legal commitment to move, e.g. exchanged contracts on a house purchase or signed a lease/tenancy agreement. If no such legal commitment has been made on your part, then the Panel will only take account of your present address. In that case, it may be in your best interests to ask for the appeal hearing to be deferred until you enter into the appropriate legal commitment. This is a personal decision for you to make.

5.3 Whom may you bring?

If you wish, you may bring a representative, friend or supporter. This person can speak on your behalf.

You have the right to produce evidence from others, but it is not normally necessary for these supporters to attend the hearing.

If you do intend to call anyone, you must inform the Clerk to the Appeal Panel at least seven days before the hearing and state the capacity in which they intend to speak.

5.4 Dates when you are not available

Appeals are heard during Academy term times and on weekdays, normally during late afternoon/evening.

5.5 10 School Day Notice

You are entitled to 10 school days' notice of the date of the appeal hearing. The appeal will only be heard in less than 10 school days if you indicate in the Notice of Admission Appeal form that you are prepared to accept a shorter timescale.

5.6 Reasons for your Appeal

You need to give as much information as possible in your Notice of Admission Appeal, giving **all** of the reasons why you want your child to attend The Priory Pembroke Academy. You may also wish to say why you believe any alternative arrangements would be less than satisfactory for your child.

It is very important to provide as much detail as possible and to include supporting documents, particularly if you are not going to come to the appeal, because this is the only information the Panel will have to rely upon.

5.7 Supporting evidence

Please note that it is for you as parents to supply any relevant additional information to support your case and neither the Academy, nor the Panel, will seek to obtain it on your behalf.

You should attach any supporting documents you wish to use at the appeal, and refer to them in your submission. For example, you may wish to attach a Doctor's note giving details of any medical condition that may have influenced your decision to apply for The Priory Pembroke Academy.

Important – whilst we shall ensure that any examples of work submitted are available for members of the Panel to consider and for you to refer to if you wish, it will not be possible for us to photocopy bound books of your child's work. These will, however, be accessible to all those involved with your appeal on the day of the hearing.

6.0 WHERE TO SEND THE NOTICE OF APPEAL

Upon completing the form, please check that you have filled in all the relevant sections ticked the declaration boxes and signed and dated the form.

You must then send in your Notice of Appeal to:

Mrs Laura Garner (Data & Admissions)
The Priory Pembroke
Croft Lane
Lincoln
LN3 4JP

7.0 WHAT HAPPENS NEXT?

Your Notice of Appeal will be acknowledged.

The Appeal Hearing will be arranged by the Clerk to the Appeal Panel.

You will be informed of the date and time of your appeal and where it will be held. The appeal will usually be heard at a venue other than The Priory Pembroke.

Before your appeal is heard, you will receive a copy of the Academy's statement, giving the reasons for the refusal to admit your child.

8.0 HOW LONG WILL IT TAKE TO HEAR THE APPEAL?

Where an appeal is for an immediate academy place, we are legally bound to hear the appeal within 30 school days. However we actually aim to hear the appeal within 10 school days where possible. Where an appeal is for a place in the following September, all appeals are likely to be held in one block session which will normally be during the summer term. Most appeal hearings last between 30 minutes and one hour, but you will have as much time as you need to present your case.

9.0 WHO WILL BE AT THE APPEAL?

The following will attend the hearing:

- An Appeal Panel of three members.
- A Clerk
- A representative from the Academy
- You and/or a friend, supporter or representative.

Occasionally, there may be an observer in attendance. The observer will play no part in the proceedings.

9.1 THE APPEAL PANEL

The Panel is the body that will be convened to consider your appeal and will consist of three members.

It will consist of at least one person with an educational background and one lay member.

None of the Panel members will have any former knowledge of the case other than your 'Notice of Appeal' and the Academy's Statement.

All members of the Appeal Panel are independent of the Academy and its Trustees.

The decision made by the Appeal Panel is binding on both the Academy and yourself.

9.2 THE CLERK

Their role is:

- to advise the Panel on the law;
- to make sure that the correct procedure is followed;
- to make notes on the meeting;
- to assist the parent, if required.

10.0 WHAT WILL HAPPEN AT THE APPEAL?

When you arrive at the hearing you will be shown to a waiting area.

The Clerk, will invite you and the Academy's representative into the room where the appeal will be heard and where the panel members will already be present.

You will be introduced and the Clerk will explain the procedure and check that everyone has the same paperwork. This is usually:

- a) the Academy's Statement, and any supporting evidence;
- b) your Letter of Appeal and any supporting documents.

11.0 THE PROCEDURE FOR THE HEARING

- a) The Academy Representative will put the case for the Academy, explaining why the Academy has been unable to offer a place to your child.
- b) You or your representative can then ask questions relating to this and any other points made by the Academy.
- c) The Panel may then ask questions of the Academy.
- d) You will then have the opportunity to state your reasons why you want your child to go to The Priory Pembroke Academy.
- e) The Academy may ask you some questions about your reasons.
- f) The Panel may ask you some questions about the points you have raised.
- g) The Academy will sum up the reasons for refusing your child a place.
- h) You then sum up your reasons for wanting a place.

The appeal is then ended and all will be asked to leave the room. The Panel will then discuss the appeal. The Clerk will remain with them and give advice on the law, but will not play any part in the decision making process.

12.0 WHEN IS THE DECISION MADE?

Where there are several appeals, the decision is made after **all** those appeals have been heard. This may be some days, after your own appeal hearing.

In all cases, the Clerk will inform you at the start of the hearing as to when you should expect to receive the result and how that is to be transmitted.

13.0 HOW IS THE DECISION MADE?

The decision making process differs slightly depending on the type of appeal and the grounds for refusal. An example is given below for when a School/Academy is full.

This decision is in two stages.

Stage 1 – Factual

Firstly, the Panel must check as to whether the Academy's admissions arrangements have been correctly applied. If the arrangements have been correctly applied, the Panel must decide whether the Academy has made its case. In other words, is the Panel satisfied that the Academy is full and that to admit the child would prejudice the provision of efficient education or efficient use of resources at the Academy.

If the Academy already has a 'prejudiced' situation, the Panel has to be satisfied that to admit one more child would increase that prejudice.

If the Academy has not made its case then the appeal will automatically be upheld, the child will be admitted to the Academy and there will be no need to go on to the second stage.

If, however, the Academy has made its case, the Panel then needs to proceed and reach a decision on Stage 2.

Stage 2 – A balancing exercise

The Panel must use its discretion to balance the extent of prejudice to the Academy against parental preference and the effect on the child.

14.0 HOW WILL YOU LEARN OF THE PANEL'S DECISION?

It is accepted that this is an anxious time for you and every effort will be made to ensure that you are informed of the decision as soon as possible.

You will receive written confirmation of the Panel's decision. The Clerk will inform you however at the start of the appeal whether as an exception it will be possible for you to telephone the Academy for the result of your appeal and, if so, whom to contact and when.

15.0 TAKING MATTERS FURTHER

Further appeals

In some cases, parents who have appealed unsuccessfully may seek to appeal again in the next academic year. However, unless there are significant and material changes in the circumstances of the parent, child or Academy relevant to a further application, the Academy may not be required to reach a fresh decision. Therefore, no new appeal can be made.

Examples of changes in circumstances that could lead to a further appeal are medical reasons not known at the time the original application or, perhaps a parent's change of address.

Where there have been material changes in circumstances and the Academy still decides not to admit the child, the parent will have the right to another appeal. It is likely that any fresh appeal will be heard with a different Panel and Clerk.

Complaints to the Secretary of State

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

- a) whether the Trust has correctly constituted the Appeal Panel and;
- b) whether the Trust has acted reasonably in exercising functions in respect of the appeal process.

Right to consult the Education Funding Agency (EFA)

If you believe the appeal process was incorrect in law then you may seek a judicial review of the decision in the High Court. It is advisable to consult the EFA in the first instance before contemplating such court proceedings.

List of Useful Telephone Numbers, Email Addresses and Websites

- Priory Pembroke 01522 751040
- School Transport 01522 552222
- Special Education Needs Services Group 01522 552222
- Department for Education
<https://www.gov.uk/government/organisations/department-for-education>
- Office for Standards in Education 0300 123 4234
www.ofsted.gov.uk
- Advisory Centre for Education (ACE) Ltd 08088 005793
An independent national advice centre for parents.
www.ace-ed.org.uk
- Education Funding Agency (EFA)
<https://www.gov.uk/government/organisations/education-funding-agency>

Final Checklist

Personal checklist before attending the appeal:

- I have formally applied to, and where possible visited The Priory Pembroke Academy.
- I have considered alternative schools/academies in the local area;
- I have enquired into the GCSE options and Examination Boards (if applicable);
- I have enquired into the Post 16 options and Examination Boards (if applicable);
- I have read all the paperwork in relation to the appeal. (Remember to take them to the appeal with you);
- I am clear of my reasons for appealing for a place at The Priory Pembroke. (it may be helpful to make notes of the main points);
- I have provided all the necessary supporting evidence prior to the appeal. (These can be sent to the Academy for the Appeal Panel at the same address as you returned your Notice of Appeal);
- I have read the Guide to Parent and Carers and am familiar with the appeal procedure;
- I am prepared that the Panel members and Academy representative may ask me questions;
- I have considered which questions I may ask the Academy representative.

If you are uncertain of any aspects of the appeal please contact the Academy directly - 01522 751040.