

Appeals

Guidance for Parents



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Making an appeal can be a daunting process. It involves you writing an appeal letter and attending a hearing in front of an appeal panel to argue your case. This booklet is aimed to help you prepare your appeal, including preparing for the hearing, and also outlines the main aspects of the appeals process.

What happens if your child is refused a place?



In the vast majority of cases children are offered places at their parents' first choice of school. If, however, your child is unable to gain admission, you will need to decide whether you are willing to accept a place offered at a different school, or whether you wish to continue with your first application. If you choose the latter course, you may appeal to an Independent Appeal Panel. This Independent Appeal Panel will determine whether the school is full and, should that be the case, whether the parents' circumstances are so strong that the child should still be offered a place.

Before you appeal, please consider the LA's admission criteria (outlined below). It should be noted that Nursery age pupils have no right of appeal.

Criteria for Pupil Entry

(This criteria applies to all admissions)

1. Looked After Children (children in public care) and those who were previously Looked After Children.
2. Those children who live in the school's catchment area on or before the published closing date.

Note: Those children who live within the school's catchment area and have a sibling already attending the school will be admitted first (the sibling must be of statutory school age), and then those children who live within the school's catchment without a sibling will be admitted.*

3. Children with siblings* living in the same household attending the school in September 2023. The sibling must be of statutory school age.
4. After taking account of the above categories, priority will be based on the closeness to the school measured automatically by the L.A.'s G.I.S (Geographical Information System).

Distance is measured from the grid reference of the property to the grid reference of the school (as recorded in the GIS system). *If the L.A. has the situation where any home addresses calculate the same distance, then a trundle wheel will be used to establish the nearest address.*

**A sibling is a child who is the brother/sister, half-brother/sister (children who share one common parent), step-brother/sister where two children are related by marriage. This definition also includes adopted or fostered children living at the same address.*

It should also be noted that any pupils with a statement of special educational needs or an Individual Development Plan (I.D.P.) that specifies that they must attend a specific school in order that their needs can be met will also be admitted.

Children of UK Service personnel will be treated as residing in catchment if proof of posting is provided.

Pupils from outside the school's catchment area will be admitted in accordance with parental preference if the Admission Number of the school has not been reached and, if selection is necessary, the criteria shown above will be used.

Where parents have shared responsibility for a child, and the child lives with both parents for part of the week then the home address will be determined as the address to which the Child Benefit is Paid.

Pupils from outside the school's catchment area will be admitted if the admission number of the school, has not been reached and, if selection is necessary, the criteria shown above will be used.

Registering Your Appeal

You may make a formal appeal against the LA's decision, but this **must** be received within 28 calendar days of you being notified of the decision not to admit your child to your chosen school. You should forward this appeal in writing, to School Admissions - schooladmissions@caerphilly.gov.uk

The LA will refer the appeal to the Council's Legal Department who will arrange for the appeal to be heard by an Independent Appeal Panel and will set a time and place for the hearing. The Panel will afford parents an opportunity of appearing and making their representations (oral and/or written). Parents, however, are advised that:

1. They may elect not to attend the appeal meeting and, instead, allow the appeal to be considered on a written statement;
2. The appeal will be decided on the information available if, having failed to give a reasonable explanation, they do not appear;
3. They will be given at least fourteen days (from the date of posting) written notice of the meeting of the Appeal Panel;
4. They are welcome to be accompanied by a friend, colleague or represented by a solicitor, but that, in the latter case, the Directorate of Education and

Corporate Services should be informed at least seven days before the hearing. Please note that a separate Appeal Panel hears appeals against decision of the Governing Body of a Foundation School as well as a Voluntary Aided School. Guidance on such an appeal should, therefore, be sought from the school concerned. The Authority will not consider a second admission appeal unless there is a significant change circumstance which will need to be evidenced.

Please note that limitations are placed on the powers of the appeal panel to allow appeals against the refusal to admit a child to a primary or infant school where to do so would cause a breach of the infant class size legislation.

Upon receipt of your appeal the clerk to the panel will forward you a copy of the Welsh Assembly Government School Ad missions Appeal Code, which contains guidance on appeals.

What Powers does the Appeal Panel Have?

The panel is independent from the Local Authority including the Local Education Authority.

The Appeal Panel can either refuse or allow your appeal. It has no other power.



The Appeal Panel cannot:

- Attach any conditions if it allows your appeal.
- Hear complaints or objections on wider aspects of local admission policies and practice e.g. it cannot change the catchment area of a school.

However, an Appeal Panel can consider if the LA's admission arrangements have been properly implemented.

Therefore, if an Appeal Panel found that your child would have been offered a place if the admission arrangements had been properly implemented the Panel will allow your appeal.

The decision of the panel is final and binding on parties concerned. Further appeals in the same academic year can only be considered where there are significant and material changes in the circumstances of the parent or school relevant to a further application.

In certain circumstances complaints can be made to the Local Government Ombudsman (LGO) and Welsh Government (WG), further information regarding this will be given at a later stage.

Who will be at the Appeal Hearing?

- You and your partner, friend, colleague, supporter, representative or legal advisor. (Please note that you can not be accompanied by a member of the Council an LA officer or local politician).
- The Appeal Panel (3 members, made up of at least 1 lay member and 1 Education Practitioner).
- The Clerk to the Appeal Panel.
- Education Officer(s) from the LA.

In circumstances where parents are represented by a solicitor the Local Education Authority will also have legal representation.

Will I have any information about the LA's case before the appeal hearing?

Before the hearing the admissions authority should supply the clerk of the appeal panel with the following documents which should be circulated to the panel members and sent to the parents:



The case for the LA stating why your child could not be allocated a place at your preferred school and which should also normally show how the admission arrangements for the preferred school apply to your application.

- Your appeal form/or letter.
- Relevant correspondence between yourself and the LA.
- Papers you have supplied to support your grounds for appeal.
- This will be sent to you by the Clerk of the panel.

How can I prepare for the appeal hearing?

You are responsible for presenting your case, for deciding what you would like to say at the appeal hearing and what written information you want the Appeal Panel to have.



What will happen at the Appeals Hearing?

- Welcome.
- Clerk introduces the Appeal Panel.

- Clerk outlines the procedure to be followed.
- The LA Officer(s) presents the case.
- Questions of the LA by Panel and Parents.
- Case for Parents.
- Questioning of Parents by the Panel and LA.
- Summing up of both parties.
- The Panel Members may ask questions at any time if they require clarification of what is being said or if they need more information in order to reach a decision.
- Following the appeal the panel will consider whether the parents' case is so strong that it requires the decision not to admit being overturned.



How will I find the outcome of my Appeal?

The decision will be made by the panel once it has heard all the appeals in respect of the relevant school. The clerk to the appeal panel will inform parents in writing of the outcome within 7 days of the date of the appeal hearing.



Useful Addresses:

Enquiries about other aspects of admissions and alternative school preferences should be addressed to:



School Admissions

Tel: 01443 864870

e- mail: schooladmissions@caerphilly.gov.uk