

APPEALING FOR A PLACE AT A SECONDARY SCHOOL IN THE GEOGRAPHICAL COUNTY OF ESSEX (YEARS 7 TO 13)

HOW DO I APPEAL?

For most schools in Essex, you should complete the enclosed Notice of Appeal Form and return it to the address shown in the box at the top right hand corner on the Form. For some schools, you will need to deal directly with the school, as they do not buy in to the service offered by the Statutory Appeals Team – please see Appendix 2.

For schools outside the Essex County Council area, you will need to contact them direct for details.

Please note that a postal address showing Essex does not necessarily mean that the school is within the geographical county. Equally, a school may be situated within Essex but have a postal address of another county.

We do not accept appeal forms by e-mail or by fax. We must receive the appeal form, both signed and dated, to begin the appeals process.

In this document the word ‘appellant’ is used. That is usually the person having parental responsibility for the child.

WHAT DO I NEED TO PUT IN MY GROUNDS OF APPEAL?

You must fill in the information requested in Appendix 1.

You must give your reasons why you want a place at the school for your child. Neither the School Admissions Team nor the Statutory Appeals Team can tell you what you should write.

WHAT HAPPENS AFTER I SEND THE APPEAL FORM IN?

The Statutory Appeals Team will write to you confirming receipt of your Appeal Form and any attached paperwork. If you have indicated that you wish to attend the appeal then subsequently the Team will confirm the arrangements for the hearing. If you have indicated that you wish for your appeal to be heard on your written representations only, a date and time will be arranged but this will not be notified to you in writing.

Once receipt of your paperwork has been acknowledged you will only need to contact the Team:

- To cancel your appeal; or
- To amend any contact details already given; or
- To submit by post any supplementary paperwork

For schools which arrange their own appeals and for schools outside Essex, you will receive correspondence direct from them.

WHAT DOES THE APPEAL PROCESS ENTAIL?

What you can appeal for

This note gives a brief overview of the Admission Appeals process, together with some more specific comments designed to help appellants in completing the Notice of Appeal Form.

If your child has been refused a place at your preferred school(s) by an Admission Authority you have the statutory right as a parent/guardian to appeal to an Independent Appeal Panel. Your full rights are set out in the School Standards and Framework Act 1998 and associated Codes of Practice (last updated in 2012). An 'Admission Authority' is the body that is responsible for the admission of pupils to a school. In the case of Foundation Schools, Voluntary Aided Schools and Academies it is the governing body or Academy Trust of the individual school. For all Community Schools and Voluntary Controlled Schools in Essex it is Essex County Council.

Please note that you may only appeal if you have submitted a formal application for a place at that school AND you have received a letter confirming that your child has been refused a place. Your appeal will not be valid otherwise.

What is an Independent Appeal Panel?

The Panel is made up of three people who have no connection with the school, the Admission Authority, the admission process, or the appellants.

The role of the Panel is quite specific, as it may only consider the case put forward by the Admission Authority for refusing to admit a child and the appellant's case for wanting your child to be admitted to the preferred school in question. The Panel can either refuse or allow your appeal - it has no other powers.

How to Appeal

If you are appealing for more than one school or for more than one child, please copy the Notice of Appeal Form and submit individual Forms for each school and each child.

If you wish to appeal against the refusal of a place at any Community School or Voluntary Controlled School in Essex, you should use the enclosed 'Notice of Appeal Form' and send it to the address on the Form to arrive no later than 20 school days after the date of your refusal letter. In the case of the normal admission round appeals (i.e. Year 7 starting in September) if your appeal is received later than this date it will still be dealt with but it may not be heard before the end of the summer term. If it is an appeal for a mid-term transfer to any Community School or Voluntary Controlled School in Essex you are advised to return the Form to the address shown as soon as possible, but ideally within 20 school days after the date of your refusal letter.

If you wish to appeal against the refusal of a place at a Foundation School, a Voluntary Aided School or an Academy in Essex, please check the list in Appendix 2. If you then need to complete the enclosed Notice of Appeal Form the timescales set out above will also apply. If you have to appeal directly to the school then its appeals officer will advise you of any deadlines.

Appeals are not held during school holiday periods, so any appeals received in July may not be heard until September/October.

The Appeal Hearing

All appeals are determined by an Independent Appeal Panel at a meeting called a 'hearing'. The hearing will usually take place during the daytime at an independent venue.

You are strongly encouraged to attend the hearing to put your case for wanting your child to be admitted to the school, although this is not obligatory. You will have the opportunity to expand on your written grounds for appeal and why your child should be admitted despite the year group being full (or the particular circumstances in which a school may refuse a place when the year group is not full).

It is recognised that appellants may find attending an appeal hearing a challenging experience. There are formal procedures that must be followed for the hearing. However, Panel Members do understand the stressful position that appellants may experience in putting their child's case, and will conduct the hearing as informally as possible within legal requirements.

If you choose not to attend the hearing, your child's case will be based solely on the written grounds of appeal that you set out in your Appeal Form, so in those circumstances it is important that you set out your case as fully and clearly as possible.

If you indicate that you will attend the hearing but fail to do so, the Panel is entitled to go ahead and hear the case in your absence, based on the written grounds of your appeal. Hearings are only adjourned to another day in exceptional circumstances.

The hearing will be in two main parts. The first part will focus on the Admission Authority putting its case for refusing admission to the school, and then the Panel and you (or your representative) may ask questions about that case for refusal. The second part will focus upon you (or your representative) presenting your child's case, and then being asked questions by the Panel and the Admission Authority. Both parties are then given the opportunity to summarise their cases.

Sometimes there may be a number of appeals for a popular school, and the hearing format will be slightly different. The Admission Authority will present its case to all the parents at the same time (known as a 'group presentation'). At this type of presentation no questions about an individual child's case will be allowed, as such questions will be addressed at that child's individual hearing (which will be held in private and relate to your child only). However, Panel Members and appellants will be able to ask the Admission Authority about its case. The individual hearings will be arranged separately - either a few days later if there is an evening group presentation, or later the same day if it is a day-time group presentation (the time it is held will depend on the number of appeals involved).

The Panel's Decision Making Process

The Panel's decision will be taken in two stages. At the first stage, it must be satisfied that the admissions arrangements of the school have been applied correctly and that the admission of a further pupil or pupils to the school would result in prejudice to efficient education or the efficient use of resources (this is the legal wording used in the School Standards and Framework Act 1998). If the Admission Authority's case has been considered at a group presentation the Panel will reach a provisional view at that point before hearing all the individual cases.

If the Panel decides that the Admission Authority has not made out a case for prejudice it has two courses of action:

- In the case of a single appeal for a school it must allow (usually using the word 'uphold') the appeal at that point, so there would then be no need for the appellant to put their case as you had already been successful.

- For multiple appeals for the same school it must decide, if applicable, how many more children could be admitted before prejudice would arise. If it felt that all those appealing could be admitted it would uphold all the appeals at that point. If it felt that some more children could be admitted but not all the number who had appealed then it would then go on to hear all the individual cases and determine which had the strongest cases and should be successful.

If the Panel is satisfied that any further admission would result in prejudice then it will proceed to the second stage of the decision making process. It must balance the prejudice to the School identified at the first stage against the reasons for the individual appellant's preference. The Panel must decide whether the appellant's case for their child to attend the school outweighs the prejudice caused by admitting an additional pupil.

For any individual hearing the Panel will determine your appeal in private, having heard all the evidence submitted. A decision will not be communicated to any party on the day of the hearing – it will be sent to you, the Admission Authority and the School, in writing as soon as possible after the hearing. Where there are a large number of appeals held over several days, you will not receive a decision until all the individual cases have been heard and the Panel has reached a decision on all of them.

The decision reached by the Panel is legally binding on all parties.

Further Information

If you wish to find out any more detailed information on the appeals process, please refer to the School Admission Appeals Code (February 2012 edition) which is available on the Department for Education website - www.education.gov.uk. The Code contains information on the statutory requirements that underpin the appeals process, which you may find helpful in lodging your appeal.

Appellants who have appealed unsuccessfully can reapply for a place at the same school in respect of a subsequent academic year and have a further right of appeal if that application is unsuccessful.

Appellants do not have a right to a second appeal in respect of the same school and the same academic year, except in the following circumstances:

(a) The Admission Authority agrees to arrange a second appeal because there were procedural/administrative faults in the first appeal which may have significantly affected the outcome. This may be on the recommendation of the Local Government Ombudsman or the Education Funding Agency or because the Admission Authority decides to do so on its own initiative; or

(b) The Admission Authority considered a further application because of a significant and material change in the circumstances of the parent, child or school but has determined that the new application should also be refused.

Statutory Appeals Team

PO Box 11, Chelmsford, Essex, CM1 1LX

Email: Statutoryappeals@essex.gov.uk (For enquiries only)

Notes on Completing the Notice of Appeal Form

The following notes correspond with the 'Note' numbers indicated on the Notice of Appeal Form and will assist you in completing the Form. Please double check it before sending it off to ensure that you have supplied all the information requested.

Note 1 – Please identify clearly the school you are appealing for. If you intend to appeal for more than one school then you must use a separate Form for each school.

Note 2 - It is essential that you insert the address where you live at the time of submitting your appeal. If you move house during the course of the appeal process please inform the Statutory Appeals Team immediately, so that its records can be amended.

Note 3 - In addition to submitting your Appeal Form you have the right to attend your appeal hearing and present your case to the Appeal Panel. It is strongly advised that you attend the hearing because it will assist the Panel to gain a better understanding of your case. By attending you will have the opportunity to expand on your own reasons for wanting your child to attend the particular school, and the Panel will be able to seek any additional information from you that will help to inform its decision on your appeal.

If you are unable to attend a hearing or do not wish to do so, you may agree to your appeal being considered on the basis of your written representations. This means that the Panel will consider the information set out in your Appeal Form together with any additional paperwork you may submit to reinforce your grounds for appeal. The Admission Authority will still attend the hearing and present its case to the Panel. If you choose this option you will not be informed of the appeal date.

If you have concerns about putting your case in person and do not want to rely on your written representations, you may elect for a representative to put your case on your behalf, or ask that he or she accompany you to the hearing. Please indicate in the box provided the name and contact details of that person so that all the relevant information relating to the appeal may be sent to them. If your chosen representative is acting in a legal capacity please confirm that fact on the form. Your choice of representative may be a family member, a friend, a Choice Advisor, a locally elected politician, or an employee of the Local Authority such as an educational social worker, SEN advisor or learning mentor, provided that this will not lead to a conflict of interest. It must not be an employee of the School being appealed for or a member of that Admission Authority.

If your representative is acting in a legal capacity, you are responsible for any costs incurred for such representation. Also, if you choose to be legally represented then the Admission Authority may also have a legal representative.

Please note that if you request the services of an interpreter at your appeal but then do not attend the appeal without good reason, the Statutory Appeals Team reserves the right to charge you for the cost to it of the interpreter attending that hearing.

Note 4 - The law requires that the grounds for your appeal must be indicated in writing, even if they are in outline form at the initial stage. If you fail to complete this section, your Appeal Form will be returned to you for completion and re-submission before it can be accepted as a valid appeal and arrangements made for your case to be heard by a Panel.

If you identify any reasons for having a preference for a particular school that can be supported by written evidence, please enclose a copy of that evidence with the Appeal Form. In particular, if you have identified a medical condition or experience of bullying as important factors for wanting your child to be admitted to your preferred school and have any written evidence to support your case, it would be preferable for you to submit it before the appeal hearing. The type of evidence that a Panel may find helpful will include:

- Doctors' letters and evidence of appointments;
- Any details and correspondence about particular bullying problems and any action taken to try to resolve them; and
- Written evidence of any Police involvement.

You may submit evidence from your child's current school in support of your appeal but you must not submit any evidence of support from the school being appealed for (this is not allowed under paragraph 2.13 of the current School Admissions Appeal Code).

If you have attached additional pages, please ensure that all information is on A4 size paper.

For Admission to Secondary Schools

<u>School</u>	<u>School Contd.</u>	<u>Latest date to submit form</u>
Debden Park High	De La Salle	
Hedingham	Fitzwimarc	
James Hornsby	Gilberd	
Mountfitchet Maths and Computing College	Great Baddow High	
Ramsey College	Greensward Academy	
Roding Valley High	Helena Romanes & VI Form Centre	
St John's CE V/C Epping	Honywood Community Science School	
Sweyne Park	King Edward VI Grammar	For all of these schools you
Tendring Enterprise Studio School	King Harold	need to use the enclosed
Woodlands	Maltings Academy	Notice of Appeal Form
Hylands	Manningtree	and return it to the
King Edmund	Mark Hall	address given on the form
Colchester Royal Grammar School	Mayflower High	within 20 school days
Alderman Blaxill	Moulsham High School	of your offer/refusal letter
Beauchamps High	New Rickstones Academy	
Boswells	Notley High School & Braintree Sixth Form	
Brentwood Ursuline Convent High	Ormiston Rivers Academy	
Bromfords	Passmores Academy	
Burnt Mill School	Plume School	
Chelmer Valley High	St Helena	
Chelmsford County High	Saffron Walden County High School	<i>In the case of normal</i>
Clacton Coastal Academy	St John Payne	<i>admission round appeals</i>
Clacton County High	St Mark's West Essex	<i>(i.e.. Year 7 starting in Sept)</i>
Colchester Academy	Stewards Academy	<i>if your appeal is received</i>
Colchester County High School for Girls	Tendring Technology College	<i>after the deadline it may not</i>
Cornelius Vermuyden	Thurstable	<i>be heard before the</i>
Davenant Foundation	William De Ferrers	<i>end of the summer term.</i>
West Hatch High School		
<i>Schools that organise their own</i>	<i>How to appeal</i>	
Alec Hunter	Contact the school	
Anglo European	Contact the school	
Appleton	Contact the school	
Basildon Academy	Contact the school	
Becket Keys C of E School	Contact the school	
Billericay School	Contact the school	
Brentwood County High	Contact the school	
Castle View	Contact the school	
Colne Community	Contact the school	
Deanes	Contact the school	
Harwich & Dovercourt	Contact the school	
King John	Contact the school	
Newport Free Grammar	Contact the school	FOR THESE SCHOOLS
Philip Morant	Contact the school	DO NOT USE THE
Sandon	Contact the school	ATTACHED APPEAL
Sawyers Hall College	Contact the school	FORM
Shenfield High	Contact the school	
St Benedict's Catholic College	Contact the school	
St Martin's	Contact the school	
Stanway	Contact the school	
Tabor Science College	Contact the school	
Thomas Lord Audley	Contact the school	

For all schools in the areas covered by Southend and Thurrock Councils you must contact the school direct.

NOTICE OF APPEAL FORM

Send to STATUTORY APPEALS OFFICER, PO BOX 11, CHELMSFORD CM1 1LX

In submitting this Form you are acknowledging that you have read the notes of guidance and appendices before completing it.

It is recommended that you keep a copy for your records as the Statutory Appeals Team cannot be responsible for forms lost in the post. Please use block capitals on this side of the Form and black ink throughout.

Child's full name	
Date of birth	
Sex of child	
School you are appealing for a place at (note 1)	
Term you are looking at for your child to be admitted	
Appellant's name(s)	
Address for correspondence to be sent to (including post code) (note 2)	
Telephone contact numbers	(h) (m)

Representation – please indicate YES only in those boxes that apply to your case (note 3)

I/We will be attending the appeal to make oral representations (written grounds still required)	
I/We are submitting these written representations only and will not be attending the appeal	
I/We have asked a representative to present the case on my/our behalf	
I/We will be present to accompany our representative	
I/We are agreeable to receiving less than 10 school days' notice of the date of the appeal hearing (may be possible on occasions)	
Will you require the services of an interpreter at this appeal? and if YES, in which language?	

Name, address and status of your representative (if applicable)

Are there any special requirements you or your representative have which we need to be aware of?
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Grounds of appeal (note 4)

You must complete this section. Failure to do so will result in your Appeal Form being returned to you.

Signed.....

Date.....

If there is not enough space on this sheet please continue on additional sheets of A4 size paper, and number and initial the foot of each page please.