

BOLTON COUNCIL
PEOPLE SERVICES DEPARTMENT

APPEAL AGAINST DECISIONS CONCERNING LOCAL AUTHORITY SCHOOLS AND ADMISSION
AUTHORITY SCHOOLS

This guide has been prepared to help those parents who wish to exercise their right to appeal against a decision as to which school their child should attend. Appeals are conducted in accordance with the School Admission Appeals Code, issued by the Secretary of State for Education.

The guide is intended to explain parents' rights and the appeal procedure in as simple terms as possible. However, the final points of reference for the appeals procedures are the School Standards and Framework Act 1998, the School Admission Appeal Code providing guidance on the implementation of the Act, and the decisions of the Bolton Council or the School Governors arising from that.

What are my rights?

Under the School Standards and Framework Act 1998, every Local Authority/Admission Authority School has to make arrangements so parents can appeal against:

- any decision made by or on behalf of the Authority as to the school at which education is to be provided for the child; and
- any decision made by or on behalf of the governors of an Admission Authority School as to the school at which education is to be provided for the child

These arrangements do not apply to special schools or to pupils with an Educational Health Care Plan. An appeal for a child with an Educational Health & Care Plan (EHCP) will be heard by the SEN and Disability Tribunal. Further information is available from Inclusion and Statutory Assessment Service on 01204 332097.

How do I appeal?

Usually, your child will be offered a place at one of your preferred school(s). But if you are not offered a place in your preferred school(s) or if you are unhappy with the school place allocated for whatever reason, you have the right to appeal to an independent panel.

If you wish to appeal you must appeal in writing. A form is available on our website (please select the relevant form) and you will need to fill in the following:

- the name of the school you wish to appeal for and the one you have been offered
- the name and date of birth of your child
- your name, address, telephone number and email address
- set out the reasons for your appeal
- provide any further evidence that may be appropriate

The form should be returned by email to DemocraticServices@bolton.gov.uk or posted to The Clerk to the Independent Appeals Panel, Democratic Services, Chief Executives Department, 2nd Floor, The Town Hall, Bolton, BL1 1RU.

A meeting of the Appeal Panel will then be arranged and you will be informed in writing of the date, time and place of the appeal.

How will the appeal panel work?

The Appeal Panel will consist of three independent people who are trained to sit as panel members. No person connected with the making of the original decision in a particular case will be a member of the Appeal Panel for that particular case, nor will any member of the LA or the Schools involved.

You will have the right to speak at the Appeal hearing. If you have any written supporting evidence this should be provided before the appeal. The meeting of the Appeal Panel will be as informal as possible but, you may choose to appoint a legal representative or as in most cases have a relative or friend accompany you.

You will be given at least fourteen days notice of the date of the Appeal Panel meeting. Not less than seven days before the meeting The Local Authority / Admission Authority School will send you a summary of the schools case they will be presenting to the Appeal Panel stating why a place cannot be provided at your preferred school.

What happens at the independent appeal panel hearing?

The order of the proceedings of the appeal hearing are set out below:

- a) Welcome and introductions by Chair - including how the hearing will work in this remote way
- b) Case for the admission authority (school/LEA);
- c) Questioning of the admission authority by appellant(s) (you) and panel;
- d) Case for the appellant(s) put forward;
- e) Questioning of the appellant(s) by the admission authority (school/LEA) and panel;
- f) Summing up by the admission authority (school/LEA);
- g) Summing up by the appellant(s);
- h) Explanation of decision making by Chair and timeframe for decision letters by Clerk;
- i) Both parties will withdraw to allow the Appeal Panel to reach its decision; and
- j) End of proceedings.

If you do not attend the hearing without giving notice and without good cause, the Appeal Panel will make its decision in your absence after reading your letter of appeal and the case presented at the meeting by the presenting officer for the school.

The result of your appeal will depend on the strength of your case. In most admission appeals the panel goes through two stages:

1. The panel hears the case put by the admission authority explaining why it could not offer a place at your preferred school. The panel must consider if the admission arrangements comply with the School Admission Code, whether the admission arrangements were correctly applied and if the admission of additional children would prejudice the provision of efficient education or efficient use of resources.
2. If the panel does decide there was good reason for turning down your application and the admission of additional children would prejudice the provision of efficient education or use of resources they begin the second stage of the appeal. The panel hears your case, and you give your reasons for appealing against the decision. You can mention all the reasons why the school is best for your child, and what special factors justify your child being offered a place in the school. The panel then makes a "balancing judgement" where they decide whether the benefits for your child going to the school you are appealing for – instead of the one you have been offered – outweigh the prejudice caused to the school and children at the school of having one more pupil in the school. If the panel decides that your case is the stronger, it will uphold your appeal and the admission authority is then under a duty to admit your child to the school.

If the appeal succeeds, the admission authority must offer your child a place at the school.

What happens after the appeal hearing?

The Appeal Panel will make its decision, which may be on a majority basis. If necessary, the Chairperson may have a second, casting vote. The Borough Solicitor will, as soon as possible, notify you and the presenting officer in writing of the decision and of the reasons for which it has been made. This decision is binding upon the Local Authority and on the Governors of an Admission Authority School at which the Appeal Panel may determine that a place should be offered to the child in question.

Unless there are significant and material changes in circumstances relevant to a further appeal the policy is not to consider repeat appeals for the same school in the same school year. If you are unsuccessful with your appeal you may appeal for other schools in the same way stated above.