

Sacred Heart of Mary Girls' School



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SACRED HEART OF MARY GIRLS' SCHOOL

GUIDE TO SCHOOL ADMISSION APPEALS

Right of Appeal

If your child has been refused a place at your preferred school you have a right, by law, to appeal to an independent panel. Your full rights are set out in the School Admission Appeals Code (published February 2012), issued under the School Standards & Framework Act 1998.

Deciding to Appeal

You may only appeal for a place at a specific school if you have previously submitted a formal application, which has been refused in writing. When considering whether to appeal it is important to note that although the law provides the opportunity to appeal against admission decisions it does not give the right to a place at a particular school. There is no guarantee that your appeal will be successful and you should make arrangements for an alternative placement in case your appeal is unsuccessful. Accepting a place at another school does not affect your right to appeal for a place at your preferred school and would not prejudice the outcome of your appeal in any way.

How to Appeal

Your notice of appeal against the decision of the Admission Authority (Governing Body) not to admit your child should be made by the specified date on the appropriate form available from the School or on the School website (<https://sacredheartofmary.net/about/admission/>). The information you submit in your appeal form is very important because it will be taken into account as evidence by the independent appeal panel when it considers your case.

1. Complete the appeal form using black ink or typescript.
2. Under the section 'Grounds for Appeal' you should try to explain as fully as you can why you want your child to attend the School. If you think your application has not been treated correctly or fairly, or in accordance with the admissions criteria, you should explain why you think this is the case. An appeal is not valid unless it includes the grounds on which it is made. Appeals that do not comply with this cannot be processed until a statement of grounds is provided. Continuation sheets may be added to the form.
3. If there are associated medical or social factors, it is important that these are supported by a letter from your doctor or other relevant professional, such as a social worker or health visitor. Preferably, any such evidence should be enclosed with your completed appeal form.
4. If your case is based on a change of address, you should provide confirmation of exchange of contracts for, or evidence of the completion of, your house purchase, or a tenancy agreement, or relevant documentation from an independent source such as your solicitor or the letting agent. Please note that evidence that an offer by you to purchase a house has been accepted, or that you are buying 'subject to contract', is unlikely to be regarded as sufficiently strong to be accepted as confirmation of change of address.
5. You may include any other relevant letters, correspondence, written reports or documents in support of your case.
6. Ensure that your form is returned to the Clerk to the Independent Appeal Panel, c/o Sacred Heart of Mary Girls' School, St. Mary's Lane, Upminster, RM14 2QR by the required deadline. It would be preferred if the appeal form and accompanying documentation is e-mailed to the School using blefevre@mary.havering.sch.uk
7. It is important that you include as much information as you can because if, for any reason, you do not attend the hearing and have not requested a deferral, the panel will make a decision based on written submissions only.
8. You will only receive a formal acknowledgement that your appeal has been received if you enclose a stamped addressed envelope with your appeal submission.
9. You will be advised of the deadline for submission of further evidence not sent with

your initial appeal. Whilst you may submit additional information any time up to the hearing, if you provide anything new too close to the hearing which the panel thinks may be significant, it may be necessary to adjourn to allow all parties the opportunity to consider it.

Preparing for the Hearing

Appellants are allowed at least 20 school days from the date of notification that their application was unsuccessful to prepare and lodge their written appeal. Appeals for on-time applications under the annual allocation procedure, ie those relating to decisions despatched on 'National Offer Day' (normally 1 March), must be heard within 40 school days of the deadline for lodging appeals. The independent panel responsible for hearing appeals in respect of Sacred Heart of Mary Girls' School normally meets in late April, May or early June.

If possible, appeals for late applications will be heard at the same time as those for on-time applications, but, where this cannot be achieved, they will be heard within 30 days of being lodged.

Written notice of the date, **location** and arrangements for your hearing will be given on the appeal form. A notional twenty minutes is scheduled for each appeal, but there is no restriction if more time is needed. Please bear in mind that on the day of your hearing the panel may be considering other cases too and that there may be some delay in proceeding with your appeal if other appeals take longer than the allotted time.

Appeal papers will be sent to you, the admission authority and panel members a reasonable time before the hearing. These will include a copy of your appeal form, together with your original application form and supporting documents, any supplementary supporting information and a written statement from the admission authority explaining how the admission arrangements and the co-ordinated admissions scheme apply to your application, the reasons for the decision to refuse admission and an explanation as to how the admission of an additional child would prejudice the provision of efficient education and/or the efficient use of resources.

You will be told the names of the three panel members and, if you think you recognise any of them as a friend or acquaintance, please contact the School immediately as it may be inappropriate for someone you know, or who knows you, to hear your case.

You will be responsible for deciding how best to organise the presentation of your evidence and before the hearing you may wish to prepare yourself by:

- Familiarising yourself with the procedure for the hearing.
- Reading the admission authority's case.
- Making a note of any questions you would like to ask the presenting officer about the admission authority's case.
- Deciding what you would like to say when invited by the panel to explain your reasons for wanting your child to attend the school.

In accordance with the arrangements for grouped appeals, all appellants for entry to Year 7 in the normal September admission round should attend together to hear the School's case for oversubscription at the beginning of the first day of appeal hearings.

The presenting officer will present the admission authority's case as to why there is no place available for your child in the relevant year group. You and the panel may question the presenting officer about the admission authority's case. Please note that at this stage the focus is on the admission authority's submission and not on your individual case.

Your individual appeal will be heard in private and all documentation and everything said will be confidential. You may be accompanied by a member of your family, a friend or a representative, either to speak on your behalf or simply to give you support. You will be asked whether you intend to be represented at the hearing, but legal representation should be unnecessary as the hearing is not a court of law and the aim is to keep the proceedings as informal as possible.

It is normally unnecessary for witnesses to attend appeal hearings.

The Hearing

The appeal panel's powers are limited to consideration of the respective cases of the admission authority and the appellant and it can either refuse or allow your appeal. It has no other powers and cannot consider complaints or objections about wider aspects of local admission policies and practice.

The appeal panel will comprise three members who have no involvement in the School, the local authority or the admission process. At least one must be a person with experience in education, who is acquainted with educational conditions in the area, or who is the parent of a registered pupil at a school (but not the one for which you are appealing), and at least one must be a lay member, that is someone without personal experience in the management or provision of education in any school (experience as a governor of another school or involvement in education in any other voluntary capacity is permitted).

The admission authority's presenting officer will normally be a member of the Governing Body or a senior member of the school staff. He/she will not be involved in any way with the appeal panel's decision-making process.

A clerk will be present to ensure the hearing is conducted fairly, to record the proceedings, to advise on law and procedure and to notify all concerned of the panel's decision.

Attending the Hearing

You are strongly advised to attend the hearing to present your case directly to the panel. The hearing will normally take place at St. Luke's Church, 201 Front Lane, Cranham, Upminster RM14 1LD. On arrival appellants are asked to wait in the foyer until invited into the meeting by the clerk.

The individual hearing will normally proceed as follows:-

- The Chairperson will introduce the panel members, the admission authority's presenting officer (and anyone accompanying him/her) and the clerk.
- The Chairperson will explain how the hearing will be conducted.
- You will present your case for seeking a place at the School. How you do this is for you to decide. For example, you may wish to expand upon the information you have provided, or highlight certain issues, or simply refer the panel to your written case. You are asked to note that references to the School's academic record, or to your child's academic ability, will not be taken into account as, under the comprehensive education system applying to all schools in the London Borough of Havering, admissions cannot be based on those factors.

The fact that your child may be on the School's waiting list, and his or her position on it (and the position of any other child), are not relevant to the appeal and the panel will not discuss those issues or take account of them.

- After your presentation the panel and the presenting officer may ask you questions about your case.
- The presenting officer will have the opportunity to sum up the admission authority's case.
- Finally, you will be given the opportunity to sum up your case.

Members of the panel may ask questions of either you or the presenting officer at any stage.

At the conclusion of your hearing you and the presenting officer, and anyone accompanying you, will be asked to leave.

The Panel's Decision

The panel will then discuss your case in private, taking into account the evidence submitted, both in writing and orally. If your appeal is the only one for a particular year group, a decision will be made at the end of your hearing, but, if there are other appeals, a decision will be made after all of them have been heard. The decision will not be given to you on the day of the hearing, but will be communicated by the Clerk to you, the admission authority and to the Headteacher, in writing, normally within five school days. The letter will include the reasons for the panel's decision, including how, and why, any issues of fact or law were decided by the panel.

In reaching its decision the panel will follow an established two stage procedure.

Stage One - Examining the Decision to Refuse Admission

1. The panel will consider (a) whether the admission arrangements (including the area's co-ordinated arrangements) complied with admissions law and have been correctly and impartially applied to your child, and (b) whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources.
2. Where your appeal is the only one under consideration, the panel will uphold the appeal at this stage if (a) it finds that the admission arrangements did not comply with admissions law or had not been correctly and impartially applied, and that, as a result, your child was denied a place, or (b) if it finds that the admission of additional children would not prejudice the provision of efficient education or efficient use of resources. However, where there are multiple appeals and a number of children would have been offered a place, and to admit that number would seriously prejudice the provision of efficient education or efficient use of resources, the panel will proceed to the second stage.
3. The panel will also proceed to the second stage where (a) it finds that the admission arrangements did comply with admissions law and that they were correctly and impartially applied to your child, or (b) it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied, and that your child was denied a place as a consequence, and (c) it finds that the admission of additional children would prejudice the provision of efficient education or efficient use of resources.

Factors identified in the admission authority's case as demonstrating prejudice might include class sizes and organisation, accommodation availability, health and safety and financial resources if additional staff are needed.

Stage 2 - Balancing the Arguments

The panel will balance your case against that of the admission authority. If the panel considers that your case outweighs that of the admission authority your appeal will be upheld and your child will be offered a place, except where there are more cases which outweigh prejudice than the school can admit. Where a certain number of children could be admitted without causing prejudice, the panel will uphold the appeals of at least that number of children by comparing the individual cases and upholding those with the strongest case for admission. If the panel does not agree that your case outweighs that of the admission authority your appeal will be refused.

You are entitled to know the reasons given by the panel for its decision, but do not have a right to see the notes of the hearing.

Complaints About Appeals

The panel's decision is final and binding and there is no further right of appeal. However, if you believe there has been maladministration on the part of the panel or that the Governing Body has failed to comply with the Appeals Code in setting up the panel, you can ask for an investigation by writing to the Education and Skills Funding Agency (ESFA), which acts on behalf of the Secretary of State for Education in such matters. This is not a right of appeal and covers issues such as a failure to follow correct procedures or a failure to act independently and fairly, rather than a complaint about the merits of a decision. The ESFA cannot consider whether the panel was correct to uphold or dismiss an appeal but may make recommendations for a suitable remedy where there is evidence of maladministration.

Further Appeals

Appellants do not have the right to a second appeal in respect of the same school for the same academic year unless, in exceptional circumstances, the admission authority has accepted a second application from the appellant because of a significant and material change in circumstances of the parent, child or school since the original application was made but still refused admission.

Applications and appeals are dealt with on the basis of the academic year, i.e.

1 September – 31 August. Even if your application and appeal are refused in one academic year you have the right to re-apply in the next academic year and have a right to a fresh appeal if you are again refused a place.

Useful Addresses

Academy Admission Appeal Complaints
Academies Central Unit
Education and Skills Funding Agency (EFA)
8th Floor, Earlsdon Park
53-55 Butts Road
Coventry CV1 3BH
Tel : 0370 000 2288
Website link: https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f9f4f5a1-936f-448b-bbeb-9dcdd595f468/AF-Stage-8aa41278-3cdd-45a3-ad87-80cbffb8b992/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen

See website <http://www.education.gov.uk/> for the School Admission Appeals Code of Practice.

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

School Admissions Team
London Borough of Havering
9th Floor Mercury House
Mercury Gardens Romford
RM1 3SL
Tel: 01708 434600
Email : schooladmissions@haverling.gov.uk

Text highlighted in yellow indicates matters that are likely to be subject to change when the hearing is conducted remotely as a direct consequence of the Coronavirus restrictions. Please be assured that detailed information about the format and conduct of the appeal hearing will be provided to you in advance of the hearing. If you have any questions about the process, please contact the School by telephone (01708 222660) or by e-mail (blefevre@mary.haverling.sch.uk)