

MILTON KEYNES SCHOOL ADMISSION APPEALS

PARENTS' GUIDE 2019

This guide explains how you can appeal for a school place for your child.

Please read this carefully before you complete your appeal form.

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1. THE EDUCATION APPEALS TEAM

This guide for parents has been prepared by the Education Appeals Team at Buckinghamshire County Council. This team administers admission appeals on behalf of Milton Keynes community and voluntary-controlled schools (and a number of academies and foundation schools in the Milton Keynes area).

Parents apply for places in community and voluntary-controlled schools for their children through Milton Keynes Council's Education Access Team.

If parents are refused a school place for which they have applied, they can make an appeal for the school place.

The Education Appeals Team works independently from Milton Keynes Council (and other admission authorities) to ensure that appeals are conducted in a fair and transparent way.

You should contact the Education Access Team at Milton Keynes Council, **not** the Education Appeals Team, in relation to queries about:

- Allocations of school places
- Waiting Lists

Information you give to the Milton Keynes Education Access Team is not automatically provided to the Education Appeals Team.

Contact details:

Education Appeals Team:

appeals@buckscc.gov.uk

Buckinghamshire County Council, County Offices, Aylesbury, Buckinghamshire, HP20 1UA.

Milton Keynes Education Access Team:

Telephone 01908 253338

primaryadmissions@milton-keynes.gov.uk

secondaryadmissions@milton-keynes.gov.uk

Milton Keynes Council, Sufficiency and Access, Civic Offices, 1 Saxon Gate East, Milton Keynes, MK9 3EJ

2. THE ADMISSION AUTHORITY

Parents apply for a school place for their child, and the admission authority for the school will apply admission arrangements (rules) and offer or refuse the school place. Admission arrangements are published on schools' websites or parents can contact schools for further information.

The admission authority will depend on the type of school:

- Milton Keynes Council is the admission authority for community and voluntary-controlled schools (maintained schools).
- The Governing Body is the admission authority for foundation and voluntary-aided schools.

- The Academy Trust or Free School Trust is the admission authority for academies or free schools.

Admission authorities of foundation and voluntary-aided schools and academies may ask another body to carry out some of their admissions functions on their behalf. Therefore, Buckinghamshire County Council's Education Appeals Team administers admission appeals for Milton Keynes community and voluntary-controlled schools and a number of academies in the Milton Keynes area. The appeals process is the same for all types of schools and the service the Education Appeals Team provides is the same to relation to all schools.

3. WHY HAVE YOU BEEN REFUSED A SCHOOL PLACE?

The law allows you to express a preference for a school place for your child, but you do not have an absolute right to choose a particular school.

The law states that the admission authority is not required to meet your preference if:

- The year group you are applying for at the school has reached its Published Admission Number (PAN) and compliance with your preference, "would prejudice the provision of efficient education or the efficient use of resources".

This means that the school can refuse your application for a school place because the school is full and the admission of an additional pupil would harm the education of the existing pupils at the school; or

- You have applied for a place in Reception, Year 1 or Year 2 and there are already 30 children in the class.

4. YOUR RIGHT TO APPEAL

If: you have parental responsibility for a child, and

you have applied for a school place for your child, and

your application for a school place has been refused by the admission authority,

you can make an appeal against that decision to an **Independent Appeal Panel**. Appeal Panels perform a judicial function and have no connection with the school you have applied for, its admission authority or the local authority.

At your appeal hearing, you can explain to the Appeal Panel why you want the school place for your child. The admission authority will explain to the Appeal Panel why it is not able to offer a school place. After considering impartially and fairly all the evidence presented by you and the admission authority, the Appeal Panel will use its discretion to make a decision and you will either be successful or unsuccessful in obtaining the school place for your child.

You are responsible for making your appeal, for presenting your case, deciding what you want to say at the hearing and for supplying written information in support of your appeal.

You can make more than one appeal. You can make a separate appeal for any school place which you have applied for and been refused.

Your appeal must follow procedures set out in statutory codes. The Education Appeals Team and the Appeal Panel are aware that the procedures are not simple and appeals may be stressful for parents. We try to make the appeal hearing as informal as possible. Parents are invited to read this Guide,

contact the Education Appeals Team and speak to the Clerk to the Appeal Panel at the hearing in relation to any questions they may have about the process.

References to a parent in this guide mean a parent or a person with parental responsibility for the child.

5. THE LAW

School admission appeals are governed by The Schools Standards and Framework Act 1998 (as amended by later legislation and case law) and statutory Codes on School Admissions and School Admission Appeals issued by the Department for Education, which are available at www.gov.uk/government/publications

6. TYPES OF APPEAL

There are different types of school admission appeal and the appeal process will depend on the school place for which you have applied and been refused.

For all appeals, please read carefully Sections 1 to 26 in this guide.

For the following types of appeal, **please also read:**

- **Primary School appeal for Reception, Year 1 or 2, September 2019 entry – Appendix 2**
- **Primary School appeal for Year 3, 4, 5 or 6, for September 2019 entry – Appendix 3**
 - **Secondary School appeal for September 2019 entry – Appendix 3**
 - **In Year Appeals for immediate entry – Appendix 4**

7. 2018 APPEALS TIMETABLE

Please see the appeals timetable at Appendix 1.

8. WHEN CAN YOU APPEAL?

You can appeal for a school place as soon as you have been told by the admission authority that the school place you have applied for has been refused.

You can only appeal for a school place which you have listed as a preferred school when you made your application for a school place.

You can appeal for any school which you have applied for and been refused. For each school you appeal for, you will need to complete a separate Appeal Form and attend a separate appeal hearing.

Please remember: there are important time-limits within which you should make your appeal.

Appeal Forms should be received by the Education Appeals Team within 20 school days of the Notification Date; this is the date on which the admission authority refused the school place you had applied for.

Therefore,

- For **Secondary School appeals for entry into Year 7 in September 2019**, if you were refused a school place on **1 March 2019** (Secondary School National Allocation Day) your Appeal Form should be received by the Education Appeals Team by **12.00pm on 28 March 2019**.
- For **Primary School appeals for entry into Reception in September 2019**, if you were refused a school place on **16 April 2019** (Primary National Allocation Day) your Appeal Form should be received by the Education Appeals Team by **12.00pm on 22 May 2019**.

Appeals received by these deadlines will be heard between 1 May and 19 July 2019.

Any appeals received after these deadlines will probably not be heard until September/October 2019 and later.

- **For appeals for other school places**, your Appeal Form should be received by the Education Appeals Team **within 20 school days** of the Notification Date, (that is, the date you were refused the school place by the admission authority), and appeals will be heard as soon as can be arranged.

9. HOW DO YOU APPEAL?

You must complete an Appeal Form which should be received by the Education Appeals Team by the relevant deadline in Section 8.

If the school you wish to appeal for is a Milton Keynes community school or voluntary-controlled school, please contact the Education Access Team at Milton Keynes to request an Appeal Form at: primaryadmissions@milton-keynes.gov.uk clearly stating your child's name, date of birth, address and the name of the school you wish to appeal for.

Please then complete the paper Appeal Form and send it to the **Education Appeals Team** by email or post or deliver it to County Hall, Aylesbury.

If the school you wish to appeal for is an academy or foundation school or voluntary-aided school, you should contact the school direct and ask them for an appeal form and the details of who you should send it to.

You must explain why you are appealing in writing on your Appeal Form. You should also provide evidence supporting your appeal, if possible (see Sections 12 and 13 below).

The Appeal Form is an important part of your case and you should try and complete it as fully and carefully as possible, and send supporting information with it. The Appeal Panel will be sent a copy of your form and supporting evidence to read before the hearing.

Please remember to keep copies of your Appeal Form and any other documents you send to the Education Appeals Team.

You can appeal for any school place which you have applied for and been refused. You must complete a separate Appeal Form for each school place you are appealing for (and attend a separate appeal hearing).

The Education Appeals Team cannot confirm receipt of Appeal Forms over the telephone. An automated receipt response will be sent to you if you submit your Appeal Form online or by email.

After you have submitted your Appeal Form, the Education Appeals Team will send you an **Acknowledgement Letter with your five-digit Appeal Reference Number. Please refer to your**

Appeal Reference Number in all communications with the Education Appeals Team. If you do not receive an Acknowledgement Letter within 7 working days, please contact the Education Appeals Team giving your child's name, date of birth and the school you are appealing for.

When you complete the Appeal Form, you will be asked to supply your contact details. **Please inform the Education Appeals Team via appeals@buckscc.gov.uk of any changes to your contact details after you submit your Appeal Form.**

10. WHEN AND WHERE WILL YOUR APPEAL TAKE PLACE?

The Education Appeals Team will send you an Appointment Letter at least 10 days before the appeal date telling you when and where your appeal will take place.

You will be given a separate appeal appointment for each school you appeal for.

Due to the volume of appeals received and the need to be fair to all parents appealing for a school, the Education Appeals Team is unable to offer a choice of appointments.

Occasionally the venue and/or time of your appeal will need to be changed. Please check carefully all letters sent to you by the Education Appeals Team for any changes to your appeal appointment.

Appeals are heard on school days at a suitable place in Milton Keynes (usually at Kents Hill Park Conference Centre). You will be given an appeal appointment between 9.30am and 3.30pm. Please allow plenty of time to travel (and park if you are coming by car) and arrive 10 minutes before your appeal is due to begin. Appeals last for approximately 30 minutes.

Appeal Panels try to start appeals on time but, unfortunately, sometimes there are delays.

If you are late for your appeal, the Clerk to the Appeal Panel will try and contact you by telephone. The Appeal Panel will usually wait for up to ten minutes but no longer as there will be other parents waiting for their appeals to be heard.

If you do not attend your appeal appointment, the Appeal Panel will make its decision in your absence after carefully considering all written evidence received from you.

Appeals for school places for September 2019 entry into Reception or Year 7 received by the deadline dates in Section 8 will be heard on school days between 1 May and 19 July 2019. Other appeals take place throughout the year (except in school holidays) and will be heard as soon as can be arranged. Appeals only take place on school days in term time because school representatives cannot attend in school holidays.

You may be given two appointments for one appeal. This happens when there are a number of parents appealing for a particular school. The first appointment will be for the **Stage 1 part of the appeal** - this is when all the parents appealing for the school are invited to hear the admission authority explain why it has not been able to offer places. The second appointment will be for the **Stage 2 part of the appeal** - this is when you can explain why you want the school place, and no other parents will be present. Stage 1 and Stage 2 appointments may be on different days or on the same day but at different times. Please check your appointment letters carefully for details of your hearing dates, times and venues.

If you are unable to attend an appeal, please see Section 11.

11. DO YOU NEED TO ATTEND THE APPEAL?

We recommend that you attend the appeal hearing. You, (the parent), can best explain to the Appeal Panel why you want your child to go to the school you are appealing for.

If you have appealed for more than one school, you will be given an appointment for each school appeal and you should attend each appointment, if possible.

If you have been given 2 appointments for one school appeal as you have separate Stage 1 and Stage 2 hearings (see Section 9), you should attend both appointments, if possible.

The Appeal Panel understands that parents cannot always come to an appeal. This will not be held against you although the Appeal Panel may find it more difficult to understand why you want the school place if you are not there to explain and answer questions.

If you do not come to the appeal, the Appeal Panel will make its decision in your absence after carefully considering all written evidence received from you.

If you do not wish to come to the appeal or find that you cannot attend, please inform the Education Appeals Team as soon as possible on 01296 383384 or appeals@buckscc.gov.uk so that the Appeal Panel is not kept waiting, the Clerk does not contact you and to reduce unnecessary delays to other parents.

The appeal is not a court of law and the Appeal Panel and Clerk aim to ensure that the hearing is accessible and as informal as possible.

You may bring a friend for support or a representative to help you explain your case to the Appeal Panel. As it is important to maintain a reasonably informal atmosphere, it is not normally appropriate for you to bring a solicitor or lawyer. If you want someone to represent you before and/or at the appeal hearing, please confirm this in writing to the Education Appeals Team and include the representative's name and contact details.

If you decide you do not want to continue with your appeal, please confirm this in writing as soon as possible to appeals@buckscc.gov.uk so the appeal can be cancelled and costs and time can be saved.

12. WHEN AND HOW DO YOU SUBMIT YOUR EVIDENCE?

When you make an appeal, you must explain in writing why you are appealing for the school place. You can do this in the space provided on the Appeal Form (see Section 9).

You may also submit evidence in support of your appeal which the Appeal Panel will consider carefully before it makes its decision - unless it is received too late, (see (b) below).

If you appeal for more than one school place, you should submit separate copies of the evidence for each appeal, even if it is the same evidence.

You should try to submit your evidence in support of your appeal with your Appeal Form.

a) Submitting evidence WITH your Appeal Form

Please send your evidence with your Appeal Form to the Education Appeals Team by email or post or deliver it to County Hall, Aylesbury.

b) Submitting evidence AFTER your Appeal Form

If you cannot submit all your evidence with your Appeal Form, please send **it as soon as possible afterwards** to the Education Appeals Team by email or post or deliver it to County Hall, Aylesbury.

Evidence should be received by the Education Appeals Team at least 10 working days before your appeal appointment, (or, if you have separate Stage 1 and 2 appointments, at least 10 working days before the Stage 1 appointment – see Section 11). This is to allow sufficient time for your evidence to be copied, circulated and read by the Appeal Panel before the appeal. The Education Appeals Team will remind you of this in your Appointment Letter (see Section 14).

If evidence/information is received by the Education Appeals Team later than the deadline above, there may not be time for it to be taken into consideration by the Appeal Panel before it makes its decision.

If you submit evidence later than 10 working days before the appeal hearing, please send 6 copies of it by post (NOT email) or deliver it by hand to County Hall, Aylesbury marked for the attention of the Education Appeals Team, so it can be circulated to the Appeal Panel and other parties, if there is time to do so, or placed on your appeal file.

The Appeal Panel will decide whether or not it can consider late evidence/information before reaching its decision.

If evidence is received late from either you or the admission authority the Appeal Panel may need to adjourn the hearing in the interests of fairness to a later date to allow time for all parties to read it.

The Appeal Panel cannot consider evidence received after your appeal hearing.

13. WHAT EVIDENCE SHOULD YOU SUBMIT?

Please remember that it is your responsibility to provide evidence in support of your appeal. The Education Appeals Team and the Appeal Panel cannot obtain evidence on your behalf.

For details of how and when to submit your evidence, see section 12.

When you submit evidence for all appeals, please:

DO:

- **number the pages of your evidence**
- keep copies of evidence sent
- **write your appeal reference number on any evidence which you submit separately from your appeal form.** (You will be provided with an appeal reference number in the Acknowledgment Letter which we send you after we receive your Appeal Form, Section 14).
- use correct postage when posting hard copies
- provide documents in A4 size
- note that we cannot make colour copies of documents
- note that there are no facilities for power-point, video or other audio/visual presentations at appeals

DO NOT:

- **send photographs of documents** (they cannot be copied properly)
- **provide letters of support from the school you are appealing for**, but you can provide letters of support from the current or previous school

- **submit evidence after your appeal hearing as this cannot be considered by the Appeal Panel**
- **send original documents**
- **send in school work or certificates, as these will not be copied and sent to the Appeal Panel and they cannot be returned to you**, but you may bring school work and certificates to show the Appeal Panel on the day of the appeal
- use staples or treasury tags
- place documents in document wallets or files or use file dividers
- highlight any part of a document, as copies will be illegible

The type of evidence you should submit depends on the type of appeal.

For appeals for **Reception, Year 1 and Year 2**, see Appendix 2.

For appeals for **Years 3, 4, 5 and 6**, see Appendix 3.

For appeals for **Secondary Schools**, see Appendix 3.

For **in year appeals for immediate entry**, see Appendix 4.

14. WHAT HAPPENS AFTER YOU SUBMIT YOUR APPEAL?

- Within 7 working days of submitting your Appeal Form, you should receive an **Acknowledgment Letter** from the Education Appeals Team giving you a 5-digit Appeal Reference Number.
- At least 10 working days before the appeal hearing, the Education Appeals Team will send you an **Appointment Letter** telling you when and where your appeal will take place and asking you to send any further evidence to the Education Appeals Team to arrive no later than 10 working days before the hearing.
- At least 7 days before the appeal hearing, the Education Appeals Team will send you an **Order of Business** (which explains what will happen at the appeal), a map of the venue and copies of the **Case Papers**. The Case Papers will include: your Appeal Form and any evidence you have submitted; and the admission authority's case explaining why it refused the school place. The same Case Papers are sent to the Appeal Panel and the admission authority so that everyone has time to read them carefully before the hearing.

It is very important that, when you receive the case papers, you check that everything you have submitted in evidence to support your appeal is included. If anything is missing, please contact the Education Appeals Team immediately. (Please remember you should not submit school work or certificates but you may bring these to show the Appeal Panel at the appeal hearing).

15. WHAT WILL HAPPEN AT THE APPEAL?

a. Arriving

Please check letters from the Education Appeals Team for any changes to the appeal venue/time/date and bring to your appeal the case papers which you should have received about a week before the hearing. Allow sufficient time to park if you are driving to the appeal and arrive 10 minutes before your appointment and report to Reception.

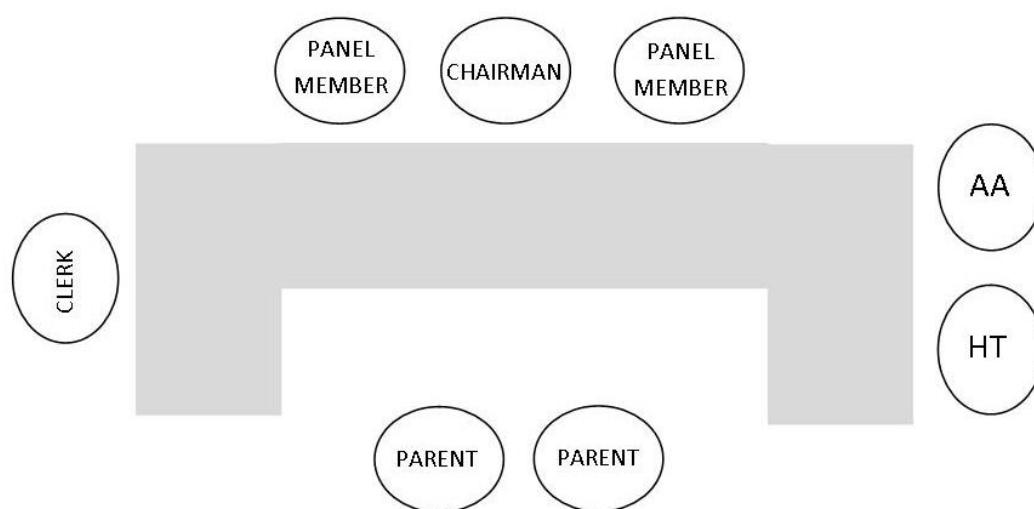
The Clerk to the Appeal Panel will meet you and take you to the room where the appeal will be heard. If you are late, the Clerk will try and telephone you. The Appeal Panel will be unable to wait for you for more than 10 minutes as usually other appeals will be scheduled to follow yours. If you do not arrive, the Appeal Panel will make its decision in your absence after considering all evidence received from you and the admission authority.

b. Who will be there?

Appeal Panels try to start on time but unfortunately sometimes there are delays due to earlier appeals taking longer than anticipated.

At the appeal, there will be: you, the three members of the Appeal Panel, the Clerk, and a representative from the admission authority and/or the school.

The appeal room will be set up as shown below:



HT= Head teacher (of the school you are appealing for), who may attend to answer questions about the school

AA= Admission authority representative, who will explain why the school place was refused.

There may be other parents at a Stage 1 hearing if they are also appealing for places at the school - see Section 10.

Your appeal will be heard by the three Appeal Panel members (one acts as Chairman). They are unpaid, independent volunteers, who have been appointed and trained in accordance with the School Admission Appeals Code 2012. The Panel will have at least one person from each category listed below:

- Lay people, (someone without personal experience in the management of any school or provision of education in any school except as a school governor or in another voluntary capacity)
- People who have experience in education, who are acquainted with educational conditions in the local area, or who are parents of registered pupils at school.

The Clerk to the Appeal Panel is present at the appeal to ensure that the appeal is conducted properly and fairly. The Clerk takes no part in the decision-making process but will:

- make necessary administrative arrangements for the appeal hearing

- be an independent source of advice on procedure and admissions law
- keep a record of the points raised at the hearing including the proceedings, decision and reasons
- notify you and the admission authority of the Appeal Panel's decision.

The admission authority will provide a representative to attend the appeal hearing and to explain why the school place was refused. Someone from the school, such as the Head teacher, may also attend to answer questions about the school.

c. Procedure

The appeal must operate according to the principles of natural justice which means that the hearing should be fair and each side (i.e. you and the admission authority) must be given the opportunity to state your case. As far as possible, hearings take place within an informal atmosphere. The Appeal Panel will have read the written information submitted by you and the admission authority before the hearing.

However, please bear in mind that this is a formal process and must follow procedures set out in the statutory codes. Therefore, you should think carefully about what you want to tell the Appeal Panel and prepare the key points of your case in advance of the hearing. You should plan the questions you wish to ask the admission authority. You also need to be prepared to answer questions raised by the Appeal Panel and the admission authority about why you want the school place.

Your appeal will last approximately 30 minutes. Please remember this when you plan what you want to say because there will be other parents waiting for their appeals to be heard.

Recordings are not allowed except where this may help a parent with a disability and there are no facilities for power-point, video or other audio/visual presentations.

At the start of the appeal, the Chair of the Appeal Panel will introduce everyone and explain what will happen at the hearing.

At Stage 1 of the appeal, the admission authority's representative will be asked to explain why the school place was refused and the Appeal Panel will ask questions. You will be given the opportunity to ask questions.

If a number of appeals have been made by parents for the same school, this stage of the hearing is likely to take place with other parents present.

At Stage 2 of the appeal, you will be given the opportunity to give all your reasons for wanting a place at the school and to explain why you feel you should be offered a place there. This stage of the appeal will be conducted in private without other parents present. You will be asked questions by the Appeal Panel and the admission authority representative. At the end of your presentation, the Chair will ask if you have raised all the points you wish to and it is important that you make sure that you have told the Appeal Panel everything you want to.

Both you and the admission authority will be asked if you would like to sum up your cases at the end before leaving the room at the same time.

d. Decisions

After you and the admission authority representative have left the room, the Appeal Panel will make its decision. When there are a number of parents appealing for a particular year group at a school, the Appeal Panel must make its decisions after all the appeals have been heard; this may be days or even weeks after your appeal has taken place.

In all appeals, the Appeal Panel will firstly consider whether the admission authority correctly made the decision to refuse you a school place. The Appeal Panel will decide:

- Were the admission arrangements (rules) lawful?
- Were the admission arrangements correctly and impartially applied?

If the Appeal Panel decides that the admission arrangements were not lawful or were not correctly and impartially applied **AND** you would have been offered a place if the admission arrangements had been lawful and had been correctly and impartially applied, your appeal will be successful and you will be offered the school place.

Therefore, if the Appeal Panel decides that the admission authority's decision to refuse you the school place was made incorrectly and you should have been given a place, you will be successful at the appeal.

The Appeal Panel will refer any unlawful admission arrangements it finds to the local authority and admission authority.

However, if the Appeal Panel decides that the admission authority's refusal was lawful, (which it usually does) it will continue with the rest of the appeal. **The procedure followed in the rest of your appeal will depend on the type of school place you are appealing for - see Section 6.**

16. WHEN WILL YOU BE INFORMED OF THE DECISION?

The Appeal Panel can only uphold or dismiss your appeal. If the Appeal Panel upholds your appeal, you must be offered the school place appealed for.

The Appeal Panel's decision is final.

The Appeal Panel cannot:

- Enter into discussions with either the parent or admission authority on issues raised
- Attach any conditions if it upholds your appeal
- Hear complaints or objections on wider aspects of local admission policies or practices
- Reassess the capacity of the school
- Tell the admission authority to change your position on a waiting list
- Allocate a place at a school other than the school appealed for

A decision letter will be sent out to you no later than **5 school days** after the appeal hearing, unless there is good reason.

HOWEVER, in the case of **multiple appeals**, where there are appeals for school places being made by a number of parents, which may take place over days or even weeks, decision letters will be sent out no later than **5 school days after the LAST appeal hearing**. The Clerk at your appeal hearing can tell you when the decision letters will be sent.

You will be informed of the Appeal Panel's decision by letter only. The Education Appeals Team cannot give decisions over the telephone.

17. WHAT HAPPENS IF THE APPEAL IS SUCCESSFUL?

The Appeal Panel's decision is legally binding on you, the school and the admission authority. If the decision letter says you have been successful, your child will be allocated a place at the school you

appealed for. Please contact the school to agree the date your child should start. You should contact the school or the Admissions and Transport Team with any queries about the school place following a successful appeal.

18. WHAT HAPPENS IF THE APPEAL IS UNSUCCESSFUL?

The Appeal Panel's decision is legally binding on you, the school and the admission authority. If the decision letter says you have not been successful, your child will not be allocated a place at the school you appealed for.

You may contact the Admissions and Transport Team to ask their advice about waiting lists and spaces in other schools.

You do not have the right to a second appeal for the same school for the same academic year, (unless, in exceptional circumstances, the admission authority accepts a second application from you and still refuses admission.)

You may apply for a place in the same school in respect of a later academic year and you will have a right of appeal if this application is unsuccessful.

19. IF YOUR CHILD HAS A DISABILITY, WILL THIS AFFECT THE APPEAL?

If your child has a disability, you may wish to discuss your appeal with their Head teacher and the Special Educational Needs Co-ordinator at the current school. There is a place on the Appeal Form where you can inform the Appeal Panel that you think your child has a disability.

The Appeal Panel may be required to consider whether your child is disabled and whether there has been any discrimination within the meaning of the Equality Act 2010.

20. WHAT SHOULD YOU DO IF YOU HAVE A DISABILITY AND WISH TO ATTEND THE APPEAL?

If you are a disabled person who requires reasonable adjustments to be made in order for you to participate in the appeal, please contact the Education Appeals Team as soon as possible. We will try to meet your needs wherever possible.

21. WHAT SHOULD YOU DO IF ENGLISH IS NOT YOUR FIRST LANGUAGE?

If you would like the Education Appeals Team to arrange an interpreter to attend the appeal hearing, please let the Education Appeals Team know as soon as possible and explain which language you require. Alternatively, if you prefer, you may arrange your own interpreter and/or ask a friend or adviser to speak on your behalf.

22. CAN YOU BRING CHILDREN TO THE APPEAL?

Please do not bring children to the appeal hearing as there are no child care facilities available and it is not suitable for children to be cared for in the room where the hearing takes place. Please, therefore, make alternative arrangements for babies and children to be looked after.

23. IS YOUR CHILD'S POSITION ON THE WAITING LIST RELEVANT?

Appeal Panels must not take account of where the admission authority has placed a child on the waiting list, or that appeals have not been made in respect of other children on the waiting list. Appeal Panels must not make any decision relating to the placement of a child on a waiting list.

If you have any queries about waiting lists, please contact the Education Access Team at Milton Keynes Council if the school is a community school or voluntary-controlled school and the school itself in the case of all other types of school.

24. IF YOU WANT TO WITHDRAW YOUR APPEAL, WHAT SHOULD YOU DO?

If you wish to withdraw your appeal, please email (or write to) the Education Appeals Team as soon as possible via appeals@buckscc.gov.uk

If you decide you do not want to continue with your appeal, money and time can be saved if your appeal is withdrawn promptly.

25. COMPLAINTS ABOUT APPEALS

The decision of the Appeal Panel is binding on you, the admission authority and the local authority.

If your appeal is unsuccessful there is no further right of appeal against the Appeal Panel's decision to anyone within the local authority or admission authority. It is not possible in law for the admission authority or the local authority to reverse the decision of an Appeal Panel and so you cannot ask for the decision to be reviewed.

If you feel that your appeal hearing was not properly or fairly conducted you can complain to Local Government and Social Care Ombudsman (LGO), if the school you appealed for is a community or voluntary-controlled school. The LGO will only investigate your complaint if he feels there may have been maladministration causing injustice to you. This is not therefore a further right of appeal to have your case reconsidered. Your complaint must relate to issues such as a failure to follow correct procedures or improper behaviour rather than a belief that the decision is wrong. If the LGO finds there has been maladministration causing injustice, he may suggest a fresh appeal.

For all schools, except academies and free schools contact:

The Local Government and Social Care Ombudsman
PO Box 4771,
Coventry, CV4 0EH

Advice Team: 0300 061 0614

See: www.lgo.org.uk

The Secretary of State is responsible for complaints about appeals for academies and has appointed the Education Skills and Funding Agency (ESFA) to investigate complaints on its behalf. The ESFA can only investigate complaints about appeals that did not follow the procedures set out in the School Admission Appeals Code 2012.

For all academies and free schools contact:

Education Skills and Funding Agency
Academies Central Unit,

Earlsdon Park, Butts Road,
Coventry CV1 3BH

Telephone: 03700 002288

email:academy.questions@education.gsi.gov.uk

See: www.gov.uk/government/publications/academy-independent-admission-appeal-panel-complaints

Please be aware that even though you may not be satisfied with the Appeal Panel's decision, the LGO and EFA are generally only able to investigate whether there has been a failure to follow correct procedures by the Appeal Panel.

An Appeal Panel's decision can only be overturned by the Courts where a parent or admission authority is successful in applying for judicial review of that decision. You will need legal advice if you

Details about how to make a complaint about the way your appeal was conducted can be found at: www.gov.uk/schools-admissions/appealing-a-schools-decision

26. WHERE CAN YOU FIND OUT MORE?

Contact:

ACE Education Advice at: www.ace-ed.org.uk/

Coram Legal Children's Centre, Community Legal Advice Education Law Line – for education legal advice for those eligible for Legal Aid. Tel: 0300 330 5485; see www.childlawadvice.org.uk

Read:

School Admission Appeals Code 2012 and **School Admissions Code 2014**, published by the Department for Education; at www.gov.uk/government/publications

APPENDIX 1 - APPEALS TIMETABLE

DATE	EVENT
1 March 2019	Secondary Transfer Allocation Day
28 March 2019 (12pm)	Appeals Deadline – your completed appeal form must be received by the Appeals Team by 12pm on 28 March 2019*
May – July 2019 (exc Bank Holiday and school Holidays)	Secondary Admission Appeals heard
16 April 2019	Primary Allocation Day
22 May 2019 (12pm)	Appeals Deadline – your completed appeal form must be received by the Appeals Team by 12pm on 22 May 2019*
June – July 2019	Primary Admission Appeals heard
At least 10 school days prior to hearing	Date and time of hearing confirmed
At least 10 working days prior to hearing	Deadline for Admission Authority to submit its case
At least 7 working days prior to hearing	Circulation of case papers to all parties by the clerk
At least 10 working days prior to the Stage One part of hearing	Deadline for submitting additional information in support of your appeal
No later than 5 school days of your appeal or, in the case of multiple appeals, no later than 5 school days of the last appeal for that school	Decision letter is sent to appellant and Admission Authority

* For appeals to be heard before 19 July 2019

APPENDIX 2 - INFANT CLASS SIZE APPEALS

The vast majority of appeals for a school place in Reception, Year 1 or Year 2 are called Infant Class Size (ICS) Appeals.

In 2018, of the 3 ICS appeals heard 0 were successful (i.e. 0%) of appeals heard for school places in Reception, Year 1 and Year 2 were successful.

This is because the law severely restricts the ability of Appeal Panels to uphold ICS appeals.

The Appeal Panel can only **review** the decision of the admission authority to refuse your child a place in an infant class at your preferred school and it can only take into account what the admission authority knew at the time you made your application for the school place.

The law states that, in a class where the majority of children will reach the age of 5, 6 or 7 during the school year, the size of that class is limited to 30 pupils per school teacher. Only in extremely limited circumstances can admission over the limit be permitted.

The Appeal Panel can **only** uphold an ICS appeal if it finds that:

- a) the admission of an additional child would not breach the ICS limit of 30 pupils per school teacher;

*This means that for your appeal to succeed the Appeal Panel will need to find that there will not be more than 30 children in the class if your child is given a place; **or***

- b) the admission arrangements did not comply with admissions law or were not correctly and impartially applied **and** the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied;

*This means that for your appeal to succeed, the Appeal Panel will need to decide that school places were unlawfully allocated and you would have been offered a place if they had been lawfully allocated; **or***

- c) the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

*This means that for your appeal to succeed, the Appeal Panel would need to find that the admission authority's decision to refuse you a school place was unreasonable **BUT it is not the usual meaning of "reasonable" which applies here but the far stronger legal meaning.***

The Courts have said that for you to succeed at appeal, the Appeal Panel would need to be satisfied that the admission authority's decision to refuse to give you the school place was:

- perverse in the light of the admission arrangements, or

- beyond the range of responses open to a reasonable decision maker, or

- a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it.

The Appeal Panel cannot consider whether the decision was "perverse in the light of personal circumstances" and so it cannot take into account extreme inconvenience caused to you and/or practical difficulties.

Examples:

The Courts have said that it is extremely unlikely that you will be successful in an ICS appeal even if the refusal of the school place makes it impossible for you to continue working or to get your children to school on time.

If the admission authority has not allocated your child to one of your preferred schools but has offered a place at the nearest school to your home with available places, this would be seen as reasonable decision and your appeal is very unlikely to succeed.

If the admissions authority had refused a place to a child whose family had to move house under a witness protection scheme, the Local Government and Social Care Ombudsman have said that an Appeal Panel may decide that the admission authority's decision was unreasonable.

If you submit an appeal for a place in Reception, Year 1 or Year 2, you must explain in writing why you are appealing on your Appeal Form. It is up to you what you tell the Appeal Panel but please bear in mind that many parents find it distressing that their personal circumstances and reasons for wanting the school, however strong, cannot be taken into account by the Panel in reaching decisions in most appeals for Reception, Years 1 and 2.

For more information, please see the following fact sheet about ICS appeals published by the Local Government and Social Care Ombudsman at: www.lgo.org.uk/make-a-complaint/fact-sheets/education/infant-class-size-appeals

APPENDIX 3 - PREJUDICE APPEALS

If you have been refused a school place for:

- Years 3 to 6 at Primary School, or
- A Secondary School

this is because the admission authority has allocated all places up to its Published Admission Number (PAN) i.e. the school is full and the admission authority is saying that to admit a further child into the year group would, “*prejudice the provision of efficient education or the efficient use of resources*” and harm the education of the existing pupils at the school.

This type of appeal is called a Prejudice appeal. There are usually 2 Stages to the appeal.

At Stage 1 of the appeal, the Appeal Panel will hear the admission authority explain what impact the admission of an additional child would have on the school. The admission authority representative will refer to the school’s written case, which you will receive with the case papers about a week before the appeal. The admission authority representative may say, for example, that the school cannot admit a further child due to a lack of available classroom space or teaching staff, health and safety concerns, numbers of pupils needing additional support or the impact of increased numbers on pupil’s behaviour or results. The Appeal Panel may ask the admission authority representative questions so it can understand better what impact, if any, the admission of an additional child might have on the school and its resources. You can also ask questions to challenge the school’s case. For example, you may consider asking for more detail about points raised in the school’s written case or about discrepancies or gaps in the paperwork.

Then Appeal Panel must then decide:

- **Will the admission of an additional child prejudice (i.e. harm) the provision of efficient education or the efficient use of resources at the school?**

In considering this question, the Appeal Panel cannot reassess the organisation or capacity of the school but it should consider the impact of admitting additional children on the organisation and size of classes, availability of teaching staff and the effect of children already at the school.

- If the answer to the question above is NO, your appeal will be successful and you will be offered a school place.

i.e. the Appeal Panel will have decided that, the school’s case was weak and even though the school has allocated places up to its published admission number and is technically full, the panel considers it could admit an additional child without harming the education of the existing pupils.

HOWEVER, if a number of children are appealing for a school place (that is, it is a **multiple appeal**) and to admit all those children would seriously prejudice/harm the education of the existing pupils, the Appeal Panel must proceed to Stage 2.

- If the answer is YES, the Appeal Panel will proceed to **Stage 2** (see below).

At Stage 2 of the appeal, the Appeal Panel will consider your reasons for expressing a preference for the school. You need to explain why you want a place at this particular school, including what you consider the school can offer your child that the allocated or other schools cannot. You should be prepared to answer questions from the Appeal Panel and admission authority representative.

The Appeal Panel must then use its discretion and “balance the arguments” it has heard from both you and the admission authority i.e. it must weigh the degree of prejudice to the school

and the evidence provided by you. It must consider whether your reasons for wanting the school place outweigh the harm caused to the school should your child be admitted.

If the Appeal Panel considers that your case outweighs the prejudice to the school, you will be successful. If, however, the Appeal Panel decides the school's case for prejudice is stronger, it will dismiss your appeal and you will be unsuccessful.

Whether or not you are successful at this balancing stage will depend on the individual facts of the case.

For example, if the admission authority presents a weak case and the Appeal Panel considers that there may be only a little difficulty caused to the school in admitting another child into the class despite it reaching its admission number, and you have a strong case and show your child has an evidenced medical, social or educational reason for this particular school, you are more likely to be successful.

If, however, the school case is strong, as the class is already large with a number of vulnerable children with special educational or other needs impacting on resources and you argue you want the school place because it would be more convenient for your work or transporting children to school but you have no evidenced medical, social or educational need for your child to attend that particular school, and there is a place available at an alternative school within a reasonable distance from your home, you are less likely to be successful.

You need to think very carefully about what the preferred school can offer your child that the allocated or other school cannot and be prepared to explain why you want a place at the particular school and provide supporting evidence if possible.

The Appeal Panel will need to consider the consequences for the school and other children of complying with your preference before it makes its decision. It cannot take into account your position on the waiting list but it can consider any other school places offered to your child.

In multiple appeals, (where more than one parent is appealing for a place at the school), although the Appeal Panel must not compare the individual pupil cases when deciding whether a pupil's case outweighs the prejudice to the school, if the Appeal Panel finds that there are more individual cases which outweigh prejudice than the school can admit, the Appeal Panel must then compare the individual cases and **uphold those appeals with the strongest cases for admission.**

For the evidence you should consider submitting in support of your case in a Prejudice appeal, see below.

You should explain on your Appeal Form the reasons why you want a place at the school you are appealing for and provide evidence in support, if possible. For example,

- if you have medical or social or educational reasons for wanting the school place, provide written evidence from a doctor, medical practitioner or other professional.
- if your reasons are due to a house move, provide written evidence of exchange of contracts or tenancy. (Please do not provide the whole tenancy agreement or contract but a solicitor's letter or first page and signature page, for example would be helpful).
- if you are unhappy with the current school, provide details and explain what has happened and what you and the school have done to address the issues and include, if possible, letters/emails of complaint and reports.
- if your reasons relate to transport, provide relevant information and maps.

- if your reasons relate to family circumstances, provide details and supporting evidence where possible.

- if you want a place at the school due to the subjects offered there and/or the school's ethos, provide details explaining why you particularly want your child to attend this school with these subjects / this ethos.

These are examples only and it is your responsibility to provide evidence in support of your appeal. You should provide this evidence when you submit your Appeal Form or as soon as possible afterwards and no later than 10 days before the appeal or it may not be considered by the Appeal Panel.

APPENDIX 4 - IN YEAR / IMMEDIATE ENTRY APPEALS

Parents may apply for immediate entry into a school during the academic year if they want to move a child from one school to another in Milton Keynes or they move into the area. If the application for the school place is refused, the parent has a right of appeal. This is called an “In Year or “Immediate Entry” appeal.

If the appeal is for a place in Reception, Year 1 or Year 2, this is likely to be an Infant Class size appeal so please see Appendix 2.

If the appeal is for Years 3 to 6 or for a Secondary School, please see Appendix 3.