

THE APPEALS PROCESS

A Guide for Parents & Guardians

This guide explains what happens if you want to appeal against the decision of the Admission Authority of the Steiner Academy Hereford not to offer a place for your child.

WHICH SCHOOL FOR YOUR CHILD?

The law allows you to express a preference regarding the school you would like your child to attend. However, you do not have an absolute right to choose a school because the law says the school need not meet your preference if the particular year-group is full and, as a result, compliance with your preference would prejudice the provision of efficient education or the efficient use of resources.

WHY DO I HAVE TO COME TO AN APPEAL PANEL?

Because your preference for a place at the Academy has not been granted the law allows you to have a chance to put your case to an independent body. The Appeal Panel is your opportunity to put your side of the argument and to have your say.

WHERE DOES IT ALL TAKE PLACE?

Admission appeals take place at the Steiner Academy Hereford. The Academy is located approximately 8 miles to the south of Hereford. The meetings are held in buildings that are reached by all forms of transport. **If you have a disability or a special need, which would make it difficult for you to attend, please let the Clerk know as soon as possible.**

WHO WILL BE AT THE PANEL?

The Appeal Panel consists of three people who are independent of the Academy.

The Academy's Principal will be present to put the Academy's position. A member of the governing body may also be present. The Clerk will take no part in the decision making, but is there simply to advise the Panel on the right way to do things. The Clerk is present to see "fair play" and there is usually an assistant who will take notes for the Panel.

IS IT LIKE A COURT?

No. We want the Appeal to be as informal as possible and not like a Court of Law. However, you need to expect a degree of formality in the Panel's procedures and conduct to ensure both you and the Academy have the chance to state the case, ask the questions and make appropriate submissions. You can bring along a friend, a member of your family or your neighbour or a representative, either to help you say what you want to say, or to speak for you, or simply to give you support.

MAY I BRING MY CHILD TO THE APPEAL?

Parents often ask if they may bring their child (ren) to the Appeal. The law says that it is the parents who may express a preference. However, generally it is thought better if the child is not present because if the Appeal is unsuccessful the child may take this as a personal rejection.

SO WHAT HAPPENS?

The Appeal is informal, but so that everyone gets a say there is a simple order to follow:

This order will depend on whether the Appeal Panel is only considering your case, or whether they have a number of Appeals to consider.

SINGLE APPEALS

If yours is the only Appeal you will be asked to come into the room with the Academy Principal and the Panel Chairman will give a brief introduction lasting a couple of minutes. The Clerk will already have sent you the Academy's case - or statement - and the Principal will be asked to explain it.

After this you will be given a chance to ask questions about the statement. Members of the Panel will also ask questions and the Clerk may ask questions to make clear any points of doubt.

You will then be asked to say whatever you wish in support of your child going to the Academy. When you have finished the members of the Appeal Panel will have a chance to ask questions, and this time the Principal may also ask questions of you.

The Principal will then sum up the Authority's case and you will be asked to sum up yours. If you feel you have anything left to say, now will be the time to say it.

It may help to know that a single Appeal usually lasts 30 – 40 minutes.

MULTIPLE APPEALS

Where more than one person is appealing for the Academy there will usually be two parts to the meeting and the table below shows what will happen:-

PART 1 (all parents present)

- Presentation of the Academy's statement
- Questions by parents, members of the Appeal Panel and the Clerk on the statement

PART 2 (with only you present)

- Your opportunity to speak to the Panel in private on your particular case
- Questions by the Panel and the Principal
- Summing up by the Principal
- You have the final word

The first part of this sort of Appeal usually lasts about 30 minutes and allows you to question the Principal's statement.

The second part of the Appeal is arranged so that you have about 20 minutes. This will help to give you an idea of what time your personal Appeal will start.

WHAT CAN I SAY?

Please feel free to say whatever **you** think is relevant to your argument. Don't think "Oh that's not really important"; both the Clerk and the Chairman will want to make sure that you don't leave the Appeal thinking that things have been left unsaid.

As a guide there are notes on the last page of this document and one of these is about things you may wish to raise at the Appeal (**Note 1**)

It is very important that, wherever possible, you provide evidence to support your case. For example, if you are relying on medical grounds, a letter or report from your GP or Consultant would assist the Panel. If you were alleging that your child has been bullied, it would be extremely helpful if you were to provide written details of relevant incidents in advance of the hearing. Similarly, whatever the reason for your appeal, if evidence is available to support what you are saying, it is in your interest to produce this evidence to the Panel.

DO I NEED TO BE AT THE APPEAL?

Parents are encouraged to attend the hearing themselves to present their case. The Appeal Panel can consider your Appeal via any letters or other written material you have sent, but it may help your case if you are there on the day to put your views and answer any questions. Dates for meetings are usually during term time so as not to clash with holiday times, but if you know you will not be able to attend let the Clerk know as soon as possible. If it is possible the Clerk will try to make alternative arrangements. Please remember that if you are not at the Appeal Panel and the Clerk has not received an explanation, the Panel will consider the Appeal on the basis of any letters or written material sent.

EVERYONE GETS THEIR SAY - BUT HOW DOES THE PANEL MAKE THEIR DECISION?

Earlier in this document in the section called "Which School for your Child?" it says that the Academy can refuse your preference where a particular year-group is full and they think it would "prejudice the provision of efficient education or use of resources" to let more children in. This means, for example, that to let more children into a year-group, which is full, would be bad for the children already there, especially if there are other local schools with room for them. The Panel has to consider a balance between these two points of view.

PREJUDICE AND BALANCE

The Academy says the particular year-group is full. The Principal has explained his statement and you have asked questions. The members of the Panel have listened to this and your personal reasons and are now ready to decide.

THE PANEL MUST CONSIDER:

- Whether the admission of an additional child or children would cause prejudice to efficient education or the efficient use of resources;
- Whether the published admission arrangements were properly applied;

and

- Whether the strength of the case made by any parent or parents outweighs the prejudice to efficient education or the efficient use of resources.

If the panel decides yes, then a place will be made available at the Academy. If the panel decides no, the appeal is turned down.

WHEN WILL I KNOW THE DECISION?

The Clerk will write to you usually within a day or two of the Appeal with the Panel's decision, which is binding on the Academy.

WHAT CAN I DO IF I'M STILL NOT HAPPY?

If you are unsuccessful at Appeal you will be sent details of other courses of action with your decision letter. They are also included in the notes below.

NOTE 1

SUBJECTS YOU MAY WISH TO RAISE WITH THE PANEL and REASONS YOU HAVE EXPRESSED A PREFERENCE

- Curriculum at preferred school.
- Location of school.
- Family situation.
- Medical conditions.
- Employment and Transport difficulties.
- Social and other reasons - for example friendships, incidence of bullying etc.

It is very important that, wherever possible, you provide evidence to support your case. For example, if you are relying on medical grounds a letter or report from your GP or Consultant would assist the Panel. If you were alleging that your child has been bullied, it would be extremely helpful if you were to provide written details of relevant incidents in advance of the hearing. Similarly, whatever the reason for your appeal, if evidence is available to support what you are saying, it is in your interest to produce evidence to the Panel.

NOTE 2

GUIDANCE TO PARENTS UNSUCCESSFUL AT APPEALS

There are certain courses of action open to you. If you feel aggrieved at the way in which this matter has been handled you may complain to the Commission for Local Administration in England, the Ombudsman, who although he cannot look at the merits of the decision may investigate whether you have been treated fairly. The address of the Ombudsman is:

Commission for Local Administration in England, The Oaks, Westwood Way, Westwood Business Park, Coventry CV4 8JR.

Additionally, you can reapply for a place at the same school in a later academic year and you have the right of appeal if unsuccessful. You can also reapply in the same academic year if there is a significant and material change in the circumstances of the parent, child, or the Academy relevant to a further application. However, the Academy's admission authority may decide not to reach a fresh decision in relation to such applications.

Alternatively, for independent advice, you might wish to contact the **Advisory Centre for Education (ACE) Ltd at 1 c Aberdeen Studios, 22 Highbury Grove, London N5 2DQ**, telephone **0808 800 5793**, website address **www.ace-ed.org.uk**.