

# **SCHOOL ADMISSION APPEALS**

## **GUIDANCE FOR PARENTS AND CARERS (Not Infant Age or Sixth Form appeals)**

These guidance notes explain how to appeal against a decision made to refuse your child a place at a school you had applied for.

This appeals process is run by the Education Appeals Team within Democratic Services who are a separate team to, and independent of, Admissions.

### **How to appeal**

You have a right of appeal for a place at any school for which your child has been refused a place by the Admission Authority.

We provide admission appeals for all Nottinghamshire County Council community schools, plus some academies, voluntary aided, foundation and free schools. If we don't provide appeals for the school you wish to appeal for, please contact the school directly to find out how to submit an appeal. If you're unsure what type of school you want to appeal for, please call 0300 500 80 80 for advice.

You can either appeal online, or by post (printed appeal forms can be requested from 0300 500 80 80).

### **What to include with your appeal form**

Please complete your appeal carefully making sure all contact information included is correct as we will use this information to tell you when your appeal hearing is and what the appeal panel's decision is.

The form will ask how you would like to attend your appeal (via video call / face to face / not attending). It is important that you complete this section carefully and select all options you are happy with, to help us arrange your appeal as quickly as possible. We recommend that you attend the appeal hearing if possible so that you can hear the case from the school, present your case to the panel, and answer any questions the panel may have to help them make their decision. Further information on these options is set out in 'The Appeals Process' section below. Please note, if, during the process, you change your mind about how you want to attend your appeal, we may need to rearrange your appeal hearing to a later date.

If you move home during the appeal process, remember to let us know, as well as Admissions as we are independent of them. You can let both teams know your new contact details by calling 0300 500 80 80.

You need to make sure that you include all of your reasons for wanting a place at the school and explain your reasons as fully as possible in the space provided in the form. The information you include here is very important as this information will be sent to the appeal panel, clerk and presenting officer from the Admission Authority in advance of the hearing and is part of your case to the appeal panel.

Please remember that you are appealing for a place at the school you have been refused, rather than appealing against the place you have been offered. You should include copies of any written supporting information which you would like the appeal panel to consider at your appeal hearing. If you apply on-line you can upload these at the same time as you make your appeal. If you haven't

already given this information to Admissions, you should also send it to them to consider as part of your application, as we will not share the information with them until later in the process. You can also choose to send information to us at a later date, up to 10 days before your appeal hearing. If you have applied on-line and have an appeal's account, you can do this by signing on to your account. Information can also be sent by email or by post.

Please note there is a 10MB limit to any attachments per email that we can receive. If you send more than this limit in an email, we will not get your information and will not know that you have tried to send it to us. If you need to send more than 10MB please either split it across more than one email or contact us to discuss an alternative way it can be submitted. If you send information by email or post, we will acknowledge that we have received it so if you don't hear from us within three working day's, please call us on the number in your appointment letter or 0300 500 80 80 to make sure we have received what you have sent.

Please ensure your submission and any supporting evidence does not give any personal information about someone else who is not relevant to your appeal. For example, the details of a landlord on a tenancy agreement. If you have any doubt about the details of someone else being provided with your appeal, please contact us for advice. The Council is committed to protecting your privacy and ensuring all personal information is kept confidential and safe. For more details see our general and service specific privacy notices.

### **Waiving your right to 10 school days' notice**

On your appeal form you'll be asked whether or not you're willing to waive your right to 10 school days' notice. If you waive your right to 10 school days' notice, we may be able to schedule your appeal earlier. We'll normally only opt to do this where we feel it to be in your best interests. This relates to how early we have to tell you when your appeal hearing is along with who will hear your case.

### **Deadlines for lodging your appeal**

#### **2022/23 Academic Year – In-Year Transfers**

For appeals within the 2022/23 academic year (for your child to move from one school to another between September 2022 and August 2023), please return your form within four weeks of the date of your refusal of the school place, wherever possible. Once we receive your appeal, we will hear it within 30 school days.

#### **2023/24 Admissions round**

For appeals for your child to move up from an infant to a junior school (year 3) or from a primary / junior to a secondary school (year 7) you should return your appeal form by

	<b>Offer date</b>	<b>Appeals lodged by</b>	<b>Appeals to be heard by</b>
<b>Primary</b>	17 April 2023	16 May 2023	18 July 2023
<b>Secondary</b>	1 March 2023	29 March 2023	15 June 2023

Appeals received after these dates will be heard by the same deadlines if possible, if not they will be heard within 30 school days.

### **Disabilities**

Do please let us know if you have any disabilities and need assistance. We will try and meet these requests as far as possible.

### **Interpreter or signer**

If you need an interpreter or signer, you can have one at your appeal hearing. If you would like us to arrange this for you please tell us which language you require on the appeal form. Or, you may wish to arrange your own interpreter. If you are doing this please let us know as soon as possible before the hearing.

### **Appeal Portal – making an appeal on-line**

Before you can give us the details of your appeal you will be asked to set up an appeals account using your email address and a password. You will be sent a verification email which you will need to read and click a link to activate your account. You only need to set up an account once. After this is done you will be able to sign into your account and make your appeal and view the details you have given. In the future you will be able to sign into your account to find out how your appeal is progressing and submit further information if you wish.

If you are appealing via the post, we will send you an acknowledgement letter once we've received and logged your appeal. If you've not received an acknowledgement letter after 2 weeks, please contact 0300 500 80 80 to check we have received your appeal form. Please note this process is taking longer than an on-line application due to additional processes being required.

### **The Appeals process**

For appeals received after 1 October 2022, we are now able to hear appeals via video call, in person, or a mix of both (hybrid). For those attending in person (including for hybrid appeals) they will be held at County Hall, West Bridgford where specialist ICT equipment is available to allow all attendees to participate in the appeal equally, whether they are joining in person or via video call.

How you will be asked to attend your appeal will be based on what preferences you have given us, so it is vital you let us know if you want to attend your appeal via video, in person or if you are happy with both.

If you're attending your appeal in person, we will arrange for the panel and clerk to be present with yourself in a room but please note some parties such as the schools presenting officer may still join via a video link.

If you are unable to join a video hearing or attend in person but would still like to attend your appeal, please let us know on your appeal form and we will contact you to discuss alternative options. You may also select not to attend your hearing, if you choose this option, the panel will consider your appeal based on the written information you provide.

Having received, logged and acknowledged your appeal, we'll make arrangements for your appeal to be heard by a panel of three independent members. In arranging your appeal we will, wherever possible take account of your availability provided on the appeal form, however due to the volume of appeals we receive it may not always be possible to do this. After receiving our acknowledgement email / letter it may be a while before you hear from us again whilst we get on with making arrangements for your appeal hearing.

## **Before the appeal hearing**

You will be sent an appointment letter telling you when your appeal hearing will be, at least 10 school days before it (unless you have agreed to a shorter period than this). If you appeal for more than one school you may get a separate date for each appeal hearing, which can be some weeks apart.

The appointment letter will include the date(s) and time(s) for your appointment(s) with the appeal panel along with information on how to attend. The letter will also give you the names of the panel members who will be hearing your appeal. If you think you have a connection with any of them, please let us know as soon as possible.

If we have received a number of appeals for the same year group at a school we may choose to hold a group hearing. This is because the reason places couldn't be offered to all of the children is the same, so the panel need to consider all appeals for the same school together. If your appeal is part of a group hearing we may give you two appointments as your appeal may be held in two separate stages and this is likely to be on different days. If you have two appointments how you join each stage may be different, the letter will explain this to you.

Your appointment letter will also include a flowchart to show the procedure your appeal will follow at the hearing or hearings.

Before the hearing we will also send you the paperwork relating to your case, including all of the written information we have received from you and all of the written information the Admission Authority have submitted to us. We don't expect you to provide a written response to the Admission Authority's case as you'll have the opportunity to ask questions of their representative at the appeal hearing. This information is often sent to you at the same time as your appointment letter, but it may be sent out a few days later.

If you wish to submit any extra written information this can be sent to us up to 10 days before your appeal hearing. Please submit your information via the online portal if you have an account or send your information to us by email if you can but please note there is a 10MB limit on attachments per email. If you send more than this limit we will not get your information and will not know that you have tried to send it to us. If you need to send more than 10MB please either split it across more than one email or contact us regarding how else to provide it. You may also post additional information to us. Regardless of how you have sent the information to us we will acknowledge that we have received it so if you don't hear from us within three working days please call us on the telephone number in the appointment letter or on 0300 500 80 80 to make sure we have received what you have sent.

Please note that if you submit written information to the appeal panel on the day of the hearing the panel may decide they need to rearrange your appeal hearing to another date so they have time to read and consider it before continuing with the appeal.

## **At the hearing**

You're responsible for presenting your case to the panel and we recommend you attend the hearing or hearings to do this. You may, if you wish, include a friend or supporter in your hearing to help you present your case. Alternatively, you may also choose to ask someone to participate on your behalf, please let us know if you wish to do this. If you choose not to attend your hearing your case will be heard based on the written information you have provided.

## **Single appointment appeal**

If you have received a single appointment for your appeal hearing, the panel will hear both the case from the Admission Authority and your case before making their decision.

### **Group hearings - stage 1 hearing**

If you have received an appointment letter with 2 appointments, this will be for a group hearing. The stage 1 hearing is to hear the school's case only and will involve all those who have appealed for a place at the school. There is no discussion of your reasons for appealing or your circumstances, (this is done in stage 2 which is confidential to your case.) Your appointment letter will explain how we expect you to join your appeal hearing and how to do so.

### **Group hearings - stage 2 hearing**

The stage 2 hearing is to hear your case only and will be confidential to your circumstances only, no other people who may have appealed for the same school are involved. Your appointment letter will explain how we expect you to join your appeal hearing and how to do so.

### **The people in the hearing**

Your appeal will be heard by an independent panel of three people and their decision is binding on all parties. Also, in the hearing will be someone from the admission authority known as the presenting officer who will be telling the appeal panel why a place could not be offered to your child.

There will be the clerk to the appeal panel present, who will be taking notes of the hearing (for the appeal panels use only), a note of the decision of the appeal panel and to advise all parties on any legal or procedural matters which may come up during the hearing.

If there are any participants who are joining the hearing via video call, the hearing may include a facilitator from the Education Appeals Team who will be responsible for the technical aspects of the hearing.

### **How long will the appeal take**

Appeal hearings vary in length but usually take no more than an hour. However we do not have a fixed time so if you need longer this will be allowed. As the appeal panel will be considering a number of cases each day this might mean that the hearings are running late so we ask that you understand that we will be with you as soon as we can and you will not be limited in your time even if your appeals starts late. In all cases a flowchart which will be provided with your appointment letter will explain what will happen at your appeal hearing.

### **Attending your appeal via video call**

If you are attending your appeal hearing via a video call, your appointment letter will tell you the date(s) and time(s) of your hearing and that we are expecting you to join the hearing via a video call. You will be sent a separate email with the Microsoft Teams link you will need to join the hearing. If you do not receive this within two days of your appointment letter, please let us know. Please use this link to join the meeting five minutes before the time you have been given. You will be put into a virtual waiting room and the clerk will let you in to the hearing when the panel are ready.

If you are attending via video call and lose your connection to the appeal hearing you will need to re-join using the link again. If you have problems re-joining, you will be able to contact us for help. Full details will be in the guidance we send you.

Please note that whilst you will be attending the hearing via video call, the meeting may be a hybrid meeting with some other participants such as the panel and the clerk in person at County Hall, as they will be hearing a number of different appeals throughout the day.

### **Attending your appeal in person**

If you are attending your appeal in person, your appointment letter will tell you the date(s) and time(s) of your hearing and that we are expecting you to attend in person. The letter will give the address of the venue which will be County Hall in West Bridgford, Nottingham. Please arrive at least ten minutes before your hearing time and report to reception. They will ask you to wait until the hearing is ready to begin. The clerk will collect you and take you to the room where the hearing is being held.

Please note that whilst you will be attending the hearing in person, the meeting may be a hybrid meeting with some other participants the presenting officer from the school attending remotely via video call.

### **Decision making**

After your appeal has been heard, you and the Admission Authority representative will be asked to leave the hearing and the appeal panel will make its decision in private. Decisions are taken by simple majority. The decision is binding upon the Admission Authority if your appeal is upheld.

For group appeal hearings the appeal panel will only make its decision on your appeal after all of the cases in the group hearing have been heard. The clerk, at the appeal hearing, will tell you when all of the decisions are due to be made which could be a number of days after your hearing has taken place.

You will be sent the decision by letter which will set out the decision and the reasons for it. This will be posted out within 5 school days of the panel making its decision wherever possible. We don't give decisions over the telephone or by email so please don't call or email the office to find out the appeal panel's decision.

If you haven't received your decision letter two weeks after the decision was due to be made, please contact the Education Appeals Team.

### **WHAT IF I'M NOT HAPPY WITH THE OUTCOME OF MY APPEAL?**

If you feel your appeal hearing **wasn't conducted properly** you can submit a complaint to either the **Local Government and Social Care Ombudsman** (for maintained and Voluntary Aided schools) or the **Education and Skills Funding Agency** (for free schools, academies, university technical colleges and studio schools). Please be aware that these bodies can only examine how your appeal or application was processed, this is not a further right of appeal if you are unhappy with the panel's decision.

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](http://www.gov.uk/schools-admissions/appealing-a-schools-decision).

The Local Government and Social Care Ombudsman has the following factsheets which provide some general information about the most common types of complaints which you may find useful:-

<http://www.lgo.org.uk/make-a-complaint/fact-sheets/education/school-admissions>

If anyone concerned with the appeal (you as the parent/carer, or the Admission Authority) believes that the decision of the Appeal Panel was legally in error, they can seek to challenge the decision of the appeal panel by means of what is known as **judicial review**. If you wish to consider this course of action you should take independent legal advice.

## **FURTHER INFORMATION**

### **Democratic Services Team**

If you would like any further information about the process please email [education.appeals@nottsc.gov.uk](mailto:education.appeals@nottsc.gov.uk) or call 0300 500 80 80.

### **Advisory Centre for Education (ACE)**

ACE is an independent education advice centre which provides information on the education system - <http://www.ace-ed.org.uk/advice-about-education-for-parents>

### **Coram Children's Legal Centre**

Coram Children's Legal Centre provides free, independent advice on all areas of child, family and education law <http://childlawadvice.org.uk>

### **County Council Admissions Team**

If you want to find out about where places are available at alternative schools you need to speak to Admissions on 0300 500 80 80 or email [admissions.ed@nottsc.gov.uk](mailto:admissions.ed@nottsc.gov.uk)

### **Useful Links:**

Making a school admission appeal:

<http://www.nottinghamshire.gov.uk/education/school-admissions/making-a-school-admission-appeal>

Determined admission arrangements and list of schools who are their own admission authority:

<http://www.nottinghamshire.gov.uk/education/school-admissions/determined-admission-arrangements>

List of academies, voluntary aided, foundation and free schools we clerk: [academies, voluntary aided, foundation and free schools](#).

Appealing a schools decision (Government guidance):

<https://www.gov.uk/schools-admissions/appealing-a-schools-decision>

School Admissions Code:

<https://www.gov.uk/government/publications/school-admissions-code--2>

School Admission Appeals Code:

<https://www.gov.uk/government/publications/school-admissions-appeals-code>

Guidance on the changes to the admission appeals regulations during the coronavirus outbreak:

<https://www.gov.uk/government/publications/school-admissions-appeals-code/changes-to-the-school-admission-appeals-code-regulations-during-the-coronavirus-outbreak>