



DR CHALLONER'S HIGH SCHOOL

EDUCATION ADMISSION APPEALS –

A GUIDE FOR PARENTS

Clerk to the Independent Appeal Panel

c/o Dr Challoner's High School

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INTRODUCTION

The information contained in this booklet is intended to provide general information and guidance into the appeals process.

Please read this carefully before deciding whether to appeal for a place at the School and before filling in the enclosed appeal form.

This booklet makes the following references:

“Admission Authority” is the Governing Board at Dr Challoner’s High School

“School” is Dr Challoner’s High School

“Parent” is the parent or the person with parental responsibility

“qualified child” is a child who has achieved a score of 121 or more in the 11+ transfer test (STTS) **or** who was successful at the selection review stage

“unqualified child” is a child who achieved a score of 120 or less

“Selection Review” is the local review stage undertaken during which the scores achieved during the 11+ transfer test can be reviewed

“Notification Date” is the date on which the Admission Authority notified you that the application to the School was unsuccessful. This can usually be found at the top right hand corner of the letter from the Admission Authority or School.

This booklet provides information for a statutory appeal against the refusal of the Admission Authority to allocate your daughter a place at the School. The law allows a person with parental responsibility for a child to appeal against the decision of the Admission Authority to an impartial body known as the Independent Appeal Panel (“IAP”). The IAP has the power to decide whether the child should be offered a place at the School. The IAP’s decision is legally binding on the Admission Authority and the Admission Authority must comply with it.

If you need further information, please do not hesitate to contact the Clerk to the Independent Appeal Panel.

Data Protection Act 1998

Your personal details will be held on file in order for your appeal to be processed.

Your personal details will be sent to members of the Independent Appeal Panel.

SECTION 1: YOUR RIGHT TO APPEAL

All parents have the right to appeal to the IAP if they are not offered a place at the School. Appeals can take place at any time throughout the academic year but appeal hearings will not usually take place during the school holiday dates.

SECTION 2: THE INDEPENDENT APPEAL PANEL

The Admission Authority must appoint an IAP that is comprised of a chair and at least two other panel members. An IAP must consist of at least one lay person (someone without personal experience in the management of any school or provision of education in any school) and one non-lay person (someone who has experience in education and are acquainted with educational conditions in the area). The IAP members are volunteers who are independent, operate according to the principles of natural justice, do not have a vested interest in the outcome of the proceedings and are trained in the law relating to admissions, Human Rights Act 1998 and Equality Act 2010.

Appeals will be heard by the same three IAP members wherever possible.

SECTION 3: HOW TO APPEAL

If you wish to appeal, you have to set out your grounds for appeal in writing. You should return the completed appeal form to the Clerk **within 20 school days** of the Notification Date. If you do not return your completed appeal form on time your appeal will not be dealt with during the normal appeal session and may be dealt with later in the year.

If there is evidence that you wish the IAP to consider this can be sent to the Clerk with your completed appeal form or at a later date. You will be provided with a separate deadline for submitting evidence for the appeal.

Completed appeal forms and evidence can be sent to the Clerk by post or by email at the address shown on the front cover of this booklet.

The Clerk will aim to acknowledge receipt of your appeal form within 7 school days. If an acknowledgement letter has not been received by this time please contact the Clerk.

SECTION 4: PREPARING FOR YOUR APPEAL

You will be notified of the date and time of your appeal hearing with the letter acknowledging receipt of your appeal form. You will receive at least 10 school days' written notice of the date of and arrangements of the appeal hearing. In certain circumstances it may be possible to arrange an appeal hearing in less time but this will only occur if you agree in writing to waive your right to the minimum 10 days' notice.

You will also be notified of the date by which any evidence you wish to rely upon which you have not submitted previously must be received. Any evidence not submitted by this deadline may not be considered by the IAP and may not form part of your appeal.

You will be asked to inform the Clerk whether you intend to call any witnesses or be represented (by a friend or by a legal representative) at the hearing. You will also be asked to inform the Clerk of any special access or interpreter requirements.

You should send your evidence to the Clerk by the deadline stated by post or by email at the above address. Please ensure that:

- the correct postage is used
- all documents are A4 in size
- all documents are in black and white
- documents do not have staples or treasury tags
- documents are not placed in plastic or document wallets or binder/lever arch files
- documents are not separated by file dividers or by any other means

There is no provision to make power-point, video or other audio/visual presentations during the appeal hearing.

The following is a list of evidence you may wish to submit to the IAP:

- **Academic Evidence**

In cases where the child has not qualified for a place at the School (whether the Selection Review Process was followed or not) the IAP will require evidence to support any claim that the child is of the required academic standard for the School.

This should be in the form of school reports and letters of support from the child's previous or current school as well as the scores of any tests.

Examples of schoolwork may be submitted. **This should be brought on the day of the appeal and presented to the IAP during the appeal hearing.** It will be returned to you by the Clerk following the hearing.

- **Evidence of Prejudice**

You must explain to the IAP why you believe your case outweighs the Admission Authority's case that the admission of any additional child would cause prejudice to the School. For example, there may be medical reasons which will require a letter from the GP or hospital.

- **Selection Review Evidence (if applicable)**

If you followed the Selection Review process and were unsuccessful the IAP must first determine whether the Selection Review process was "fair, consistent and objective".

The Admission Authority will provide the IAP with all of the documentation used in the Selection Review including the evidence submitted by the appellant, the clerk's notes and decision letter.

You should submit evidence that you believe shows the Selection Review process was not carried out in a "fair, consistent and objective" way.

If the IAP are satisfied that there was no evidence to show that the Selection Review process was carried out in a "fair, consistent and objective" way will they allow you to continue with your appeal for admission and will consider any further evidence submitted by you.

The Clerk will send a copy of the appeal pack to all parties (IAP members, Admission Authority and the parent) a reasonable time before the date of the hearing. The appeal pack consists of:

- The Admission Authority's case (including their reasons for refusing the application and any other statistical or relevant information)

- The parent's case (including any evidence submitted)
- Details of the IAP members
- A map of the venue (if applicable)

If you have not received your pack within 3 school days of your appeal hearing please contact the Clerk.

The IAP will read the appeal pack in advance of the hearing.

SECTION 5: THE APPEAL HEARING

It is recommended that you attend your appeal hearing.

If you are unable to attend you may wish to send a representative to attend on your behalf but you must inform the Clerk in advance of the hearing and the person must bring signed authorisation confirming that they have permission to represent you at the hearing. If you or your representative fail to attend the hearing the IAP will deal with the hearing "in absentia" and will make their decision based on the information available to them at the time. Please notify the Clerk as soon as possible in advance of the hearing if you do not intend to attend the hearing and do not intend to send representation so that the Clerk knows not to expect you.

Your appeal will normally be heard within 40 school days from the deadline for lodging the appeal form. The hearing will normally be scheduled to last for about 20 minutes and hearings are scheduled accordingly. Please keep your allocated time in mind when planning what you wish to say to the IAP at the hearing and consider that there are other parents waiting to be heard after your appeal. Delays are sometimes unavoidable and your appeal hearing may start later than the scheduled time.

Please report to reception upon your arrival at the appeal venue. The Clerk will collect you at your allocated time.

Appeal hearings will generally be heard in June. The appeal will be heard in two stages:

- **Stage One:** The School's representative will present the School's case
- You (or your representative) and the IAP can ask the School's representative questions in relation to the School's case
- **Stage Two:** You (or your representative) will present your case.
- The School's representative and the IAP may then ask you questions about your case
- The Chairperson sums up the case
- The School's Representative will be asked if there is anything further to add
- You (or your representative) will be asked if there is anything further to add
- You and the School's Representative will leave to allow the IAP to deliberate.

Please note that Stage One will be a group hearing, ie. all parents appealing will hear the School's case and ask questions collectively. Stage Two will be a private hearing at the School and may take place on a different day.

SECTION 6: THE DECISION MAKING PROCESS

The IAP makes its decision in two stages:

Stage One: Examining the decision to refuse admission

The IAP has to consider:

1. whether the admission arrangements complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and
2. whether the admission arrangements were correctly and impartially applied in your case.

The IAP must then decide whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources.

The IAP must uphold the appeal where it finds that the admission arrangements did not comply with admissions law or had not been correctly and impartially applied or it finds that the admission of additional children would not prejudice the provision of efficient education or efficient use of resources. However, if the IAP is satisfied that the admission of additional children would cause prejudice, the IAP will proceed to Stage Two.

Stage Two: Balancing the arguments

The IAP must balance the prejudice to the School against the individual circumstances of your case for your child to be admitted to the School. It must take into account your reasons for expressing a preference for the School, including what the School can offer your child that the allocated or other schools cannot. If the IAP considers that your case outweighs the prejudice to the School it must uphold the appeal.

The IAP's decision

The IAP will consider all the information that you and the School have presented at the hearing and will either uphold or dismiss an appeal. The IAP's decision is binding. The Clerk will write to you to inform you of the IAP's decision, including the reasons for that decision, within five school days of the decision being made. Please note that the IAP will hear multiple appeals and decisions will only be made once every appeal has been heard.

The decision of the IAP is legally binding on all parties. If you simply disagree with the decision the IAP reached then there is no power to overturn it. You do not have the right to a second appeal in respect of the School for the same academic year except in exceptional circumstances.

However, if you feel that your appeal has not been handled you may be able to refer your case to the Education Funding Agency who will investigate your concerns on behalf of the Secretary of State if it considers there are sufficient grounds for doing so.

SECTION 7: FURTHER GUIDANCE

A copy of the School Admission Appeals Code can be downloaded free of charge from the Department of Education website at:

<http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/current-codes-and-regulations>

For general information about the school admission appeal process you can contact the following organisations:

- **Directgov** – the government website – at www.direct.gov.uk