

**LONDON BOROUGH OF TOWER HAMLETS
APPEAL AGAINST ADMISSION DECISION**

To be completed by the Parent or Carer:

Child's First Name : Surname :

Address : Postcode :

Telephone : Date of Birth:

Mobile : Email address :

I appeal against the decision not to offer my child a place atschool

My reasons for appealing are:

.....
.....
.....
.....
.....

continue overleaf if necessary

Do you need an Interpreter during the hearing? Yes No

If yes, can you bring a relation or friend with you? Yes No

If you would like the Clerk to organise an interpreter for you; which language?

I cannot attend a hearing on/between the following dates:

I am willing to accept a hearing date with less than 10 days notice Yes No

Signature of parent (s) : Date :

Name of parent(s) :

The information you have provided on this form will be held by the London Borough of Tower Hamlets in accordance with the General Data Protection Regulation. The Local Authority will process your information under our statutory duty to provide an appeals process under the Education Act 1996 and the DfE statutory guidance School Admission Appeals Code. The information you provide will be shared with the Independent Clerk and the Appeal Panel for the purposes of the appeal process or fulfilling a statutory duty. Your information will be kept by the Local Authority for 2 years after an appeal decision has been made. You also have a right to complain, object to or access the information that is held and processed about you. Please see the Council's Data Protection page on our website for further details on your rights and contacting our Data Protection Officer. Guidance explaining the appeals procedure is attached. A Bengali version is available from the Parents Advice Centre 020 7364 6489:

Please return this form to:

Pupil Services, Mulberry Place, 5 Clove Crescent, London E14 2BG

Tel: 020 7364 5006 Fax: 020 7364 4311

Office Use:

Year:

ID:

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London Borough of Tower Hamlets

School admission appeals – guidance to parents

Appeals against admission decisions

If your child has been refused a place at the school you wanted, or if you are unhappy with the alternative school you have been allocated, you have the right of appeal to an independent Appeal Panel. This applies to all schools including Academies and Free Schools, but not special schools and independent (fee-paying) schools.

There is no right of appeal for a child of nursery age. In some circumstances, there is no right of appeal in respect of a child permanently excluded (expelled) from 2 or more schools.

How do I appeal?

You should complete an appeal form and you must give the grounds for your appeal at the time the form is submitted. This is available from the school or from Pupil Services who are based at Tower Hamlets' Town Hall. For voluntary aided schools in Tower Hamlets, that is Church of England or Roman Catholic schools, you should contact the school for details. This also applies to Academies and Free Schools. You may appeal for more than one school.

What happens next?

For all community schools in Tower Hamlets, you will receive a letter acknowledging receipt of your appeal by Pupil Services. Appeals are usually heard within 30 school days from the date your appeal was lodged. If your appeal is for Secondary Transfer or Reception in the normal admission round, the hearing is arranged within 40 school days. The Clerk to the Appeal Panel will then write to let you know when and where the appeal will be heard. You will be sent a letter about the hearing at least 10 school days beforehand*, which will include a written statement from the Local Authority or Admission Authority setting out the reasons why your child was refused a place at the school. The statement will include a copy of your appeal form. A copy of the statement will also be sent to the members of the Appeal Panel. You have the right to attend the hearing and you may bring a friend or representative with you. If you need an interpreter, experience has shown that parents feel more comfortable if they bring a friend or relative. However, if requested on the appeal form, the Clerk can arrange an interpreter for you. For voluntary aided schools, you should check the procedure with the school. This also applies to Academies and Free Schools.

Who will hear my appeal?

Appeal Panels consist of 3 people who are independent of both the school and the Local Authority. None of the Appeal Panel members will have been involved in the decision to refuse your child a place

There will be at least one lay member on the Panel. A lay member is someone without any personal experience in the management of a school or the provision of education in a school (other than as a governor or in another voluntary capacity). The rest of the Panel will be made up of people who have experience in education, are familiar with the educational conditions in the local area or are parents with children attending local schools, but not the school you are appealing for.

All Appeal Panels have the services of a Clerk whose job is to advise the panel on legal or procedural matters and to take notes of the hearing. The Clerk is not employed by the Admission Authority or Local Authority. It is only the members of the Appeal Panel who decide the outcome of your appeal. The Local Authority or Admission Authority are not present when the decision is made.

What happens at the appeal hearing?

The following procedure will be similar for all schools. A Presenting Officer will always attend the hearing. For voluntary aided schools, the Presenting Officer will be appointed by the school. For all other schools, the Presenting Officer will be a representative of the Local Authority.

The conduct of the appeal hearing is a matter for the Appeal Panel, but the proceedings will be conducted as informally as possible. The hearings take place at an independent venue, usually in Limehouse, E1

At the hearing the Presenting Officer will explain why your child could not be offered a place at the school and why to admit an additional child will prejudice efficient education and the efficient use of resources. You and the Appeal Panel will have the opportunity to ask questions or to challenge anything that is said. Possibly you may wish to argue that the admissions policy was not correctly applied, but you will have to give your reasons.

You will then have the opportunity to state the grounds for your appeal, that is the reasons why you would like your child to go to your chosen school(s). The Panel and the Presenting Officer from the Local Authority or Admission Authority may also ask you questions or challenge something you have said.

Both the Presenting Officer and yourself will then have an opportunity to sum up before being asked to leave the room. Appeals do not last a set time, but the average appeal is about 20 minutes. Sometimes, part of the hearing is held with other parents appealing for the same school. However, you will be able to meet the panel in private to explain why you want your child to go to the school.

Later, the Appeal Panel will decide the outcome of your appeal. The Clerk remains in the room to provide advice on correct procedures and to record the Panel's decision. The Clerk will write and let you know the decision of the Appeal Panel which is usually sent within five school days of the last hearing to be heard for your chosen school.

How does the Appeal Panel reach its decision?

In reaching a decision the Appeal Panel will take into account the following:

- Why you preferred a particular school and your reasons for choosing that school;
- The education authority's published admission arrangements (these are contained in the booklets *Starting School in Tower Hamlets: A Guide for Parents* and *Moving to a Tower Hamlets Secondary School*, available from Pupil Services);
- Whether admitting your child to the school would prejudice the provision of efficient education or the efficient use of resources there;
- Whether admitting your child would conflict with the school's duty to limit the size of infant classes (this section applies to appeals for Reception, year 1 and year 2).

For all appeals, except Reception, year 1 and year 2, the Appeal Panel will go through a two stage process. The first stage is a factual stage, where the Panel must decide whether your application was lawful and not subjected to any maladministration AND by admitting your child it would not prejudice the provision of efficient education or the efficient use of resources at the school. It is up to the Presenting Officer to demonstrate that there would be prejudice. If the panel considered that the school would not be prejudice, the panel can uphold your appeal at this stage.

If panel believe that the school would be prejudiced, it must then go to the second stage. This is a balancing stage, where the Panel reaches a decision by weighing the degree of prejudice against the strength of your case against the school's case. If the Panel decides that your case outweighs the degree of prejudice, your appeal will be upheld and your child will be admitted to the school. Otherwise the appeal will be unsuccessful.

It is different for infant class appeals; that is Reception, Year 1 and Year 2. The admission authority may claim that admitting another child would require relevant measures to be taken to comply with the legal limit on class sizes. This is known as 'class size prejudice'. The class size limit is set at 30 children in an infant class taught by a single school teacher.

If the presenting officer shows that there would be 'class size prejudice', the Appeal Panel does not go through the two stage process outlined above. The Panel's powers are restricted by law and it can **only** uphold an appeal if:

- there are less than 30 children in the class who have already been allocated places **or**
- the admissions policy had not been properly applied and your child should have been offered a place **or**
- the admission arrangements did not follow the mandatory provisions of the Schools Admission Code, including the co-ordinated arrangements **AND**
- the decision not to give a place to your child was one which no reasonable admission authority would have made in the circumstances of the case.

The restriction on the powers of Appeal Panels means that if there is class size prejudice, it is much less likely that your appeal will be upheld.

If you are not sure whether your appeal is affected by class size prejudice, contact Pupil Services for advice.

Appeal Panel decisions

The decision of the Appeal Panel is binding on the school, the Local Authority and yourself. If your appeal is upheld, the school must admit your child. If your appeal is unsuccessful, your child's name will remain on the waiting list at the school, if there is one.

Further advice

If you would like further advice about appeals, please contact Pupil Services on 020 7364 5006 alternatively visit the Tower Hamlets website: www.towerhamlets.gov.uk/schooladmissions

Tower Hamlets Family Information, Advice and Support Service (*formally Parent Advice Centre*)

Greatorex Street E1 5NP Tel: 020 7364 6489

In addition, CORAM, a children's charity, which receives Government funding, is also able to offer free advice. Their telephone advice line is 020 7520 0300 which is staffed from 8am to 8pm, Monday to Friday.