



WALTON HIGH



A Guide for Parents

**For Admission Appeals
Relating to Walton High**

Introduction

If your child has been refused a place at Walton High you have the right to appeal against the decision.

The appeal is heard by an Independent Appeals Panel (the Appeals Panel) which is totally independent of the school and consists of volunteers who have no connection with the school.

This booklet is written for you as a parent to help you understand how the appeal system works, and your role and rights within it.

The booklet provides guidance under the following headings:

- What is an independent admission appeal?
- What happens if I decide to appeal?
- What should I expect at a hearing?
- The appeal hearing
- How will the Appeals Panel reach their decision?
- After the appeal hearing

The advice in this booklet has been drawn from the DfE School Admission Appeals Code October 2022

Website: www.gov.uk/schools-admissions

What is an independent admission appeal?

If you receive a letter from Walton High informing you that the school will not be offering your child a place, you have the right to appeal against this decision to an Independent Appeals Panel. Your appeal will be heard by the Appeals Panel at a hearing to be arranged by Clerk Associates UK, to which both you and representatives of the school will be invited to attend and give evidence. Appeals will likely be heard via a Zoom meeting. Following the hearing, the Appeals Panel will make a decision on the case which is binding on both you and the school. There is no further right of appeal for that academic year unless there are material changes in your circumstances.

What are my grounds for appeal?

The letter from the school should set out clearly the reasons why the application for your child to join the school was not successful, against the published admissions criteria for the school. You should read this very carefully. You will be able to question the representative of the school about the reasons given for non-admission. You should also consider carefully your reasons for wanting your child to attend Walton High. There might be one over-riding reason or a combination of reasons. These might include:

- Family circumstances
- Existing links with the school
- Transport
- How close you live to the school
- How difficult it would be to go to another school
- Medical reasons
- The school has not administered its admissions criteria correctly

Whatever your reasons you should, wherever possible, provide evidence to support your appeal. For example, if you are appealing on medical grounds, you would need to submit copies of letters from your doctor/consultant.

Can I appeal to more than one school at the same time?

Yes. Parents are entitled to make an independent appeal against each unsuccessful application they make for their child to attend a school.

How do I make an appeal?

The letter sent to you by the school informing you that your child has been refused a place should tell you how to lodge an appeal. If you wish to appeal you must notify Clerk Associates UK in writing. The letter will state a deadline by which you must submit your appeal.

What happens if I decide to appeal?

When will my appeal be heard?

Once you have submitted your written intention to appeal, Clerk Associates UK will arrange a time for the appeal to be heard. He/she is required to give you written notice of the time and place of your hearing at least 14 days (10 working days) before the appeal will be heard. If your appeal is urgent, parents can agree with the Clerk to have less than the 14 days notice. If you agree this with the Clerk you will be required to confirm this in writing.

What happens next?

At least seven days before the hearing you will receive a full set of papers. All members of the Appeals Panel and the representative of the school will be sent copies of these papers at the same time. The papers will include copies of:

- All correspondence between yourself and the school
- Your appeal form
- Papers you have supplied to Clerk Associates UK to support your grounds for appeal
- A statement from the school
- Information about the order of proceedings

How do I prepare for my appeal?

You should familiarise yourself with all the papers. Read carefully the statement from the school which explains why your child has been refused admission. You should spend some time deciding what you would like to say when the Appeals Panel asks you for your reasons for wanting your child to attend Walton High. It may help to write this down. Any additional evidence to support your appeal can be sent to Clerk Associates right up until the day of the hearing, or you can bring it with you. Please note that if you bring a lot of written information on the day of the appeal hearing, the Appeals Panel may have to adjourn your appeal so that they, and the school representative, have the opportunity to read the additional evidence to ensure they give it proper consideration.

If you live within the school's defined area you may be asked to provide proof of your address with a current Council Tax bill and of your child being resident at your address.

If you are moving into area and buying a house you will need to provide confirmation that the house purchase is legally binding and contracts have already been exchanged. A letter from the solicitor would be sufficient.

If you are moving into area and leasing/renting a house you will need to provide a lease agreement showing residence at the proposed address at the time of admission and for at least 12 months thereafter.

If you are coming to live in area from abroad you will need to provide a copy of the child's and parents' passports showing immigration stamps and all relevant documentation to show that the child has the right of abode in the UK.

Before the appeal hearing

- Make sure you have studied the statement from the school
- Write down any questions you would like to ask about the statement
- Write down any questions you may have about your appeal
- Write out your case to read out at the hearing
- Be prepared to answer any questions put to you by the Appeals Panel or the school representative(s)
- Collect any extra paperwork to support your appeal
- Have the proof of your address, and of your child being resident at your address, ready to show the Clerk
- Invite your partner, friend or supporter to come with you if you wish
- Advise the Clerk Associates UK if you have any access needs or require any special equipment or other assistance

Can I withdraw my appeal?

Yes. You can withdraw your appeal before (and during) the appeal hearing by telephoning and then confirming it in writing to Clerk Associates. However, if you wish your appeal to be reinstated you will normally be expected to show good reason why it should be. Please give the matter careful consideration before you do withdraw your appeal.

What should I expect at a hearing?

Where do I go for the hearing?

Clerk Associates will notify you of the location, date and the time of the appeal hearing. Every effort will be made for your appeal to be heard at the designated time. The Independent Appeals Panel usually meet to consider a number of independent appeal requests and, as everyone is given as much time as they need to present their case, occasionally appeals can run late. Your patience and cooperation are appreciated in these circumstances.

Who will be there?

- You, and a partner, friend or supporter (if required)
- The Appeals Panel (3 or 5 members)
- The Clerk
- Representative(s) from the school

What is an Appeals Panel?

The Appeals Panel will have 3 (or sometimes 5) members. It is entirely independent of the school. No member will have ever had any connection with the school or with any of the appellants. All members of the Appeals Panel are volunteers. There will be at least one lay member, who has no experience of the provision of education (but may be a school governor at another school) and one non-lay person, such as a retired teacher.

The Appeals Panel will have received training for their role. They are there to consider the written evidence, listen to the oral evidence and ask questions of both sides. They will then make a decision which is binding on both you and the school. There is no further right of appeal.

What is the role of Clerk Associates UK to the Appeals Panel?

Clerk Associates UK arranges the hearing; provides independent advice to you on the appeals process prior to and during the hearing; and takes notes at the hearing to record the proceedings. If you wish to make your own notes during the proceedings you may do so. Clerk Associates UK is also responsible for ensuring that the relevant facts are established and the appeal hearing is carried out fairly. Within seven days of the hearing the Clerk Associates UK will write to tell you the Appeals Panel's decision.

Clerk Associates UK is not part of the Appeals Panel and does not take part in the decision making process, although they will be present when the Appeals Panel makes its decision.

Should I attend the appeal hearing?

Yes, if at all possible. You will best be able to provide information to help the Appeals Panel reach a balanced decision. If you cannot attend, and another date cannot be arranged, the appeal will be heard in your absence based on the written evidence alone. It is not advisable for children to attend appeal hearings. Any requests for children to attend will be at the Chair of the Appeals Panel's discretion.

Is there anyone who can help me with preparing for my appeal?

In the first instance please contact Clerk Associates UK who can help you with any queries or concerns you may have. They can be contacted on 020 8920 3662.

Coram Children's Legal Centre's Child Law Advice Service provides free legal advice and information on education issues. They can be contacted on 0300 330 5485 or by email via the contact form on the website www.childlawadvice.org.uk

The Appeal hearing

What will happen at the appeal hearing?

The hearing will follow a set procedure, but every effort will be made to make the hearing as informal as possible.

The hearing will follow these stages:

- The Chair of the Appeals Panel will welcome all parties to the hearing, introduce the panel members and the Clerk, the presenting officer and parents or representative of the child. The Chair will explain the role of the Appeals Panel and that if it upholds the parents' appeal, the decision will be binding on the school. The Chair will explain the procedure and order of the hearing.
- The school's representative will present the case for the school.
- You, or your representative, may ask questions of the school's representative.
- You, or your representative, will be given the opportunity to present your case.
- The school's representative will have the opportunity to ask you questions.
- The school's representative will sum up the case for the school.
- You, or your representative, will have the opportunity to sum up your case.

The Appeals Panel members can ask questions at any time to clarify what is being said, or to gain further information.

Once these stages have been completed, you and the school's representative will be asked to leave. The Appeals Panel will then consider the case and make their decision.

When there are a number of appeals to be heard, the school may present their case only once, and all appellants will be invited to hear the case at the same time, and to ask questions of the school's representative(s) at a public meeting. This is known as a multiple appeal, and may take place on a different day to the individual cases. The individual cases are then heard by the Appeals Panel in private. To ensure a fair process, the Appeals Panel cannot make their decision about your case until all the appeals have been heard. This means that it may take a little longer for you to receive the Appeals Panel's decision.

How will the Appeals Panel reach their decision?

The decision making process

The Appeals Panel follows a two-stage process in making its decision.

First – The Factual Stage

The Appeals Panel must decide whether the school's published admission arrangements have been correctly applied and whether 'prejudice' would arise were your child to be admitted.

If your child would have been offered a place if the admission arrangements had been properly implemented, then the Appeals Panel must uphold your appeal.

If the school refused your child a place on the basis that to admit him/her would prejudice the provision of efficient education by the school, the Appeals Panel must establish whether or not 'prejudice' would arise by admitting your child.

If the Appeals Panel is not satisfied in the first stage there would be prejudice if the child were admitted to the school (only in single appeals), they should allow the appeal.

If the Appeals Panel is satisfied that the school has applied its admission criteria correctly, and proved its case that prejudice would occur were the child to be admitted, then they will move on to the second stage of the decision-making process.

Second – The Balancing Stage

The Appeals Panel will now exercise its discretion and balance the degree of prejudice that would be caused to the school by admitting your child, against the weight of your case for wanting your child to attend the school. The Appeals Panel will consider the consequences for the school and other children of complying with your wishes and how serious these consequences would be.

When will I hear the outcome of my appeal?

Clerk Associates UK will notify you in writing of the Appeals Panel's decision, within seven days, wherever possible.

Does the Appeals Panel ever adjourn the appeal hearing?

Yes. The Appeals Panel may adjourn the appeal hearing to later in the same day or another day in the following circumstances:

- If substantial new issues are raised for the first time at the hearing it may be necessary to adjourn to allow any party taken by surprise to consider the issues; or
- If a parent submits a lot of additional information on the day of the hearing and it is in the best interests of both parties that the Appeals Panel ensures it gives full consideration to the new information before it; or
- If the Appeals Panel requires further information to be obtained by the School or parent; or
- If, due to the time it takes to deal with any stage of any appeal that was not anticipated, the Appeals Panel may have to adjourn that appeal and/or any other appeal to a later time or another day; or
- If a member of the Appeals Panel is ill or absent; or
- For any other appropriate reason.

After the Appeal Hearing

If my appeal is turned down can I appeal again?

No. There is no appeal against the decision of the Independent Appeals Panel. However, if your circumstances change significantly, for example if you move into the defined area, you may apply to the school again. It is up to the school to decide whether there has been a material change in circumstances and whether it will, therefore, consider your application again. A fresh appeal can only be made if the school considers the application again and turns it down.

Walton High policy is that only one application per academic year may be made unless there are exceptional circumstances.

What if I am unhappy about the appeal process?

If you have a complaint about the administration of the hearing and you think that procedures have not been followed correctly then you should contact the Education and Skills Funding Agency. This is not a right of appeal. Your complaint can only be related to the procedure of the appeal and not the decision itself.

Education and Skills Funding Agency

www.gov.uk/guidance/academy-admissions#academy-admission-appeals-complaints

Can I complain to the Secretary of State for Education & Skills?

The Secretary of State cannot review decisions of individual Appeals Panels but has limited powers to consider whether the School has acted reasonably in exercising functions in respect of the appeal process.

What if I think that the decision of the Appeals Panel was wrong in law?

An Appeals Panel's decision can only be overturned by the courts where the parents or the school are successful in applying for a judicial review of that decision.

If you wish to consider this course of action you should take independent legal advice **as soon as possible** as normally there is a time limit.

Appeals for Sixth Form

The requirements for entry to the Sixth Form are set out in the school's published admission arrangements for Sixth Form.

If you are refused admission you have the right to appeal. The appeal will follow the normal two-stage process, as detailed earlier.

Clerk Associates UK - Clerk to the Independent Appeals Panel for Walton High can be contacted, in writing, through:

c/o Walton High

Fyfield Barrow

Milton Keynes

MK7 7WH

Or by telephone on: 020 8920 3662

Appendix: Useful Information

UK Government Education and Learning

Website: www.gov.uk/schools-admissions

Coram Children's Legal Centre's **Child Law Advice Service** Website:

www.childlawadvice.org.uk

Advice Line: 0300 330 5485

Copies of the DfE Codes are available to download:

www.gov.uk/government/publications

School Admissions Code 2014 Ref: DFE-00728-2014

The School Admission Appeals Code 2012 Ref: DFE-57508-2012

Equality Advisory Support Services (EASS)

Tel: 0808 800 0082

Website: www.equalityadvisoryservice.com