

A GUIDE FOR PARENTS

“APPEAL TO TEST”

Record your five-digit reference
number here: (see page 4)

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2012



The information in this guide is very important for you and your child. If you are not able to read this guide in English then ask an English speaking friend to contact the Appeals Team on 01296 383384/3677/3695. We will either send you a translated summary or will help you by arranging for an interpreter to assist you.

Urdu

اس گائیڈ میں دی گئی معلومات آپ اور آپ کے بچے کے لئے بڑی اہم ہیں۔ اگر آپ یہ کتاب انگریزی زبان میں نہ پڑھ سکیں تو آپ اپنے کسی انگریزی زبان بولنے والے دوست سے کہیں کہ وہ "ایبیل ٹیم" سے ٹیلی فون نمبر 01296 383384/3677/3695 پر رابطہ کریں۔ ہم آپ کو اس کا ترجمہ شدہ خلاصہ بھیجیں گے یا مترجم کا انتظام کریں گے جو آپ کی مدد کرے گا۔

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Gujarati

આ પત્રિકામાં આપેલ માહિતી તમારા અને તમારા બાળક માટે ખૂબજ મહત્વની છે. જો તમે આ પત્રિકા અંગ્રેજીમાં વાંચી ન શકતા હોવ તો અંગ્રેજી બોલતી વ્યક્તિ દ્વારા અપિલ્સ ટીમનો 01296 383384/3677/3695 ઉપર સંપર્ક કરો. અમે કદાચ ભાષાંતર સારાંશ મોકલાવી આપીશું અથવા તો તમને મદદ માટે દુભાષિયાની વ્યવસ્થા કરી સહાય કરીશું.

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Introduction

You are reading this booklet because the Admission Authority concerned has refused to test your child's suitability for grammar school.

As the person with parental responsibility for your child, the law allows you 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 your child should be tested to determine his/her suitability for grammar school education and they do this through reading and/or listening to your reasons why you think your child should be tested.

This booklet explains how the Appeal to Test system works and the steps that we take to make your appeal as straightforward as possible.

If you need further advice please do not hesitate to contact a member of the Appeals Team. (If required, we can arrange for this booklet to be translated into another language or larger print). Our contact details are as follows:

The Appeals Team
Legal and Democratic Services
Buckinghamshire County Council
County Hall, Walton Street
Aylesbury, Buckinghamshire
HP20 1UA

Telephone: 01296 383384/3677/3695 Fax: 01296 382421

E-mail: appeals@buckscc.gov.uk

Gujarati

Urdu

Osoby nie mówiące po angielsku powinny poprosić swoich znajomych znających język angielski o telefoniczne skontaktowanie się z naszym zespołem do spraw przyjęć (AppealsTeam) pod nr. Tel. 01296 383384. Informacje zostaną przesłane w języku polskim lub zapewniona zostanie pomoc tłumacza.

How do I request an appeal?

Once you have read this booklet and decided to appeal, you should complete the enclosed orange appeal form. Once completed, return it to the address on the form within 10 school days of the notification date (this can be found on the top right hand corner of the form). This is also the date of the Admission Authority's letter to you, refusing to test your child.

IAP members hear a large number of appeals and therefore, if your appeal form is returned late, it is quite possible that there will not be an appeal appointment available for you until later in the year.

Unfortunately, due to the very large number of appeals we receive, we are not able to confirm receipt of your form over the telephone or collect forms in person from Reception. However, the staff on Reception will be pleased to provide you with a receipt for any documentation you leave with them.

We aim to acknowledge receipt of your form within 7 working days. If you have not received an acknowledgement letter by this time, please contact our office. The acknowledgement letter you receive will provide you with a five-digit reference number, which you will need to quote every time you contact us. There is a space on the front of this booklet for you to record this number. If you have any further supporting evidence you wish to send to us, please clearly write your five-digit reference number on this.

All evidence should preferably reach us at least ten working days before the hearing.

Who are the Independent Appeal Panel Members?

IAP members are specially trained volunteers who have an interest in education within Buckinghamshire. Each panel is made up of three members, a Chairman and two wing members

and must consist of at least one Lay and one Non Lay Member, in line with the School Admission Appeals Code of Practice. Lay Members are people without personal experience in the management or the provision of education in any school, disregarding experience in a voluntary capacity, such as a school governor. Non Lay Members have experience in education and are acquainted with educational conditions in the area or they are the parent of a child registered at a school.

Some people are not permitted to hear education appeals. This includes any person employed by the Local Authority in a capacity connected with education.

IAP members are trained regularly on the law and its procedures in relation to education appeals.

When and where will my appeal be heard?

At least 10 school days before your appeal we will write to you with the date and time for your appeal hearing, trying to avoid any dates that you are unavailable, although occasionally this may not be possible.

Your appeal may begin at any time from 09:30 to 15.30 and will be at one of our suitable venues in Buckinghamshire. It is important that you let a member of the Appeals Team know if you need disabled access, so we can be sure to offer you the most suitable venue for your child's appeal, or if you need the services of a translator so that we can make the arrangements for you.

Should I attend the Appeal hearing?

You do not have to attend but you know your child best and therefore you are the most appropriate person to tell the IAP members about your child. Given the short timescale we face when scheduling appeals, it is inevitable that some parents will receive a date for their appeal that they cannot attend. If this is the case, you may send a representative on your behalf, with

signed authorisation that they have your permission to represent you at the appeal hearing. This permission should be provided to the clerk before the appeal or sent to the Appeals Team in advance.

If you wish to withdraw your child's appeal, please make sure that you telephone us on 01296 383384 or email us at appeals@buckscc.gov.uk Appeal appointments are in demand and with sufficient notice, we may be able to give your appointment time to someone else.

If you do not wish to, or find that you cannot attend your appeal, for whatever reason, the IAP members will make their decision based on the information available to them at the time. We call this hearing an appeal "in absentia". If you choose not to attend, please let us know in advance so the clerk does not expect you.

What evidence should I provide?

You will be required to demonstrate your case and provide evidence to back it up. You should also explain any mitigating factors that you believe may have led to the decision of the Admission Authority not to test your child. As well as these reasons, IAP members are likely to want to see academic evidence of your child's ability.

How do I provide you with my evidence?

IAP members like to read evidence about a child well in advance of the hearing and we send out the documentation that we have been provided with, in relation to your appeal, to all parties seven working days before the appeal. However, the IAP members prefer to look at marked school work and academic certificates on the day of the appeal. If you wish to show the IAP such examples they should be brought on the day and will be returned to you by the clerk following the hearing. **Please do not send in samples of schoolwork as this will not be distributed in advance.** (Please note that school reports are not construed as

schoolwork and therefore can be sent in with your grounds for appeal).

When you send documents to us please ensure that;

- **The correct postage is used**
- **They are A4 in size (please reduce or enlarge any documents that are not A4)**
- **They are not fastened by staples, treasury tags or clips**
- **They are not in plastic or document wallets or binder/lever arch files**
- **They are not separated by file dividers or by any other means**

There is no provision to copy any documentation in colour, therefore, please bear this fact in mind when you send in your information. The information you provide is photocopied by an external reprographics company and any folders received will be recycled, so cannot be returned to you. **Please ensure correct postage is attached, particularly when your appeal form is returned to us in a large format envelope.** Insufficient postage could result in a time delay for your appeal or may even result in lost documentation.

Due to Health and Safety and time constraints there is no provision at any of our appeal hearing venues to make power-point, video or other audio/visual presentations about your child.

When do I provide my evidence?

You should send all your evidence to us when you submit your appeal form. However, you may submit evidence up to and including the day of the appeal if necessary.

Please note, if you provide significant evidence for your appeal, either within 10 days of the appeal or on the actual day, it may be necessary for the appeal to be adjourned to a later date. This is to allow the panel members time to read

and consider the evidence and where necessary, for the Admission Authority to respond.

If we receive your evidence in good time before the hearing it will be circulated to all parties as further information. Any evidence received close to the appeal date will be placed on file by the clerk for circulation on the day.

What happens next?

Seven working days before your appeal, you will be sent a copy of the case for the Admission Authority, a copy of your own case, an Order of Business and a map of the venue. The case for the Admission Authority will state the reasons for refusing to test.

You will also be notified of the name of the clerk and the three IAP members that will hear your appeal. Please note, however, that these names are subject to last minute change in unavoidable circumstances.

You will receive exactly the same information as the IAP members, the Admission Authority representative and the clerk. At this stage IAP members read the case papers, make notes and prepare any questions for you and the Admission Authority representative that they think will help them make their decision.

The Appeal Hearing

When you arrive at your appeal venue, please report to the Reception. The clerk will collect you when it is time for your appeal. An appeal should last on average between fifteen and twenty minutes and the hearings are scheduled accordingly. Therefore, when planning for your appeal hearing, please consider the other parents whose appeal has been scheduled to be heard after yours.

Unfortunately, delays are sometimes unavoidable and you should be aware that your appeal may start later than the time allocated.

The only people in the room for your appeal will be you, the members of the IAP, the clerk and the Admission Authority representative. The Chairman and the other members of the IAP will introduce themselves to you and welcome you. The clerk and the Admission Authority representative will also be introduced to you and the Chairman will explain the procedure. They will follow the Order of Business which you will have received with your case papers. No one can tell you what your reasons are for appealing but IAP members are likely to want you to tell them why you think your child should be tested for a grammar school place.

The emphasis in every appeal hearing is on informality, fairness and transparency.

At the end of your appeal the Chairman will ask you if you have had time to say everything you wish to say. Please make sure, at this stage that you have mentioned all of the reasons and provided all the intellectual or academic evidence that you wish to. There is no further opportunity to do so after you have left the room and the appeal is over.

The clerk will remain in the room with the IAP members whilst they make their decision about your child. At no stage during the appeal will you or the Admission Authority representative be on your/their own with the IAP members. Once the appeal has ended all spare copies of evidence are treated as confidential waste and will be destroyed.

When will I know the decision of the IAP?

The clerk will write to you within five working days of your appeal. Decisions of the IAP are not given over the telephone or by email, regardless of the outcome of your appeal.

What happens if my appeal is unsuccessful?

The decision of the IAP is legally binding on all parties, however, where the appellant or an Admission Authority is successful in applying for Judicial Review of that decision, the High Court may order a re-hearing of the appeal.

You may also be able to apply for your child to be tested the following academic year for a grammar school education. The Local Authority's Admission & Transport Team can advise you about the Late Transfer Process. Contact details for the Admission & Transport Team can be found on page 14 or you can find more information at:

www.buckscc.gov.uk/schooladmission

For Academy, Foundation and Voluntary Aided Schools, you should contact the school directly for further information on their Late Transfer admission process.

What can I do if I am not happy with the decision?

If you feel that your appeal has not been handled properly, you should complain in the first instance to the Appeals Team who will investigate your comments. You will usually receive an acknowledgement within ten working days, which will indicate when you are likely to receive a full response. In line with the Buckinghamshire County Council's Feedback and Complaints Procedure you should receive a full response within 28 days of your initial letter.

Only where there has been maladministration by the IAP causing an injustice, will the clerk consider whether a fresh hearing is justified.

If the clerk considers that your appeal was held correctly and in line with the relevant law and guidance, you will be advised of this decision. However, you may choose to refer your case to the Local Government Ombudsman (LGO).

Who is the Local Government Ombudsman?

The LGO is an independent person who investigates allegations of maladministration causing injustice to the person who has complained. The LGO can look into cases where there has been a fault in the way the Council has or has not done something. She cannot question what has been done or decided, simply because you do not agree with it. For example, the LGO could criticise a case where there was evidence of some administrative fault, which affected the decision of the IAP. However, she cannot criticise a decision by the panel, which fairly took into account all the evidence presented by both the parents and the Admission Authority, but the parents disagreed with the decision reached.

The LGO will also normally accept complaints about appeals even if you have not yet raised them with the Appeals Team and therefore, you may decide that you do not want to wait for a full response from the Appeals Team before approaching the LGO, depending on the timescale you have been given.

Contact details for the LGO can be found on page 15.

We are unable to enter into any further correspondence with you once you have obtained a decision from the LGO, even though you may still be dissatisfied.

Frequently asked questions

My child has a disability. Will this affect my appeal?

If your child has a disability you may wish to discuss your appeal with his or her Headteacher and the Special Educational Needs Co-ordinator at the school. There is a space on the appeal form for you to tell us that your child is disabled and you should declare it if you believe this to be the case.

The IAP must consider whether your child is disabled and whether there has been discrimination within the meaning of the Equality Act 2010. IAP members are trained regularly to ensure

that they are aware of the laws and good practice in this area so that any decision they make is a lawful and fair one.

What do I do if I need special arrangements and/or a translator for the hearing?

Contact a member of the Appeals Team as soon as possible and we will try and make arrangements to accommodate you. If we are given sufficient notice, a translator can normally be provided at your request. Please therefore, let us know if you require this service.

Do I need legal representation?

An IAP hearing is not a court of law and so legal representation should not be necessary. It is your decision to take your own legal advice if you feel it is necessary. It is important that you let us know at least seven days before your appeal hearing if you intend to bring a legal representative. We must inform the Admission Authority and the panel of your intentions and we may have to make new arrangements for you.

Can a friend accompany me to the hearing?

Parents may be accompanied or represented by a friend or advisor. This person may be (i) a Choice Advisor (ii) a locally elected politician or (iii) an employee of the local education authority (such as an educational social worker, SEN advisor or learning mentor) provided this will not lead to a conflict of interest.

Can my child's current Head teacher or teacher attend?

Head teachers or teachers should not attend individual appeal hearings. Any support from Head teachers or teachers should be presented to the IAP in written form. Not all Head teachers or teachers are able or wish to, provide letters of support to parents and so you may include school reports instead. It is your responsibility to obtain any information from your child's school before the appeal hearing. You should also remember that you

will not be able to submit further information to the IAP once your appeal has finished.

I'm interested in becoming an IAP member – how do I express an interest?

Many of our IAP members started out as parents appealing on their own children's behalf and felt they were interested in becoming a panel member. If you or anyone you know may be interested in becoming an IAP member in the future, please telephone a member of the Appeals Team. We currently have a pool of approximately 80 IAP members and are always keen to hear from interested members of the public.

This advice has been prepared with reference to the statutory requirements and School Admission Appeals Code of Practice.

ANNE DAVIES
Head of Legal & Democratic Services
Buckinghamshire County Council

Appendix: Useful addresses

Enquiries about the contents of this book and the appeals process should be addressed to:

The Appeals Team
Legal and Democratic Services
Buckinghamshire County Council
County Hall
Aylesbury
HP20 1UA

Tel: 01296 383384 / 383677 / 383695

Fax: 01296 382421

E-mail: appeals@buckscc.gov.uk

Enquiries about other aspects of admissions, and alternative school preferences should be addressed to:

Admission and Transport Team
Access and Inclusion
Achievement and Learning
Children & Young People's Services
Buckinghamshire County Council
County Hall,
Aylesbury,
HP20 1UZ

Tel: 01296 383250

Fax: 01296 383560

E-mail: admissions@buckscc.gov.uk

Useful addresses:

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Advice Team: 0300 061 0614

Fax: 024 76820001

Website: www.lgo.org.uk

Email: advice@lgo.org.uk

The Children's Legal Centre
Tel: 0845 345 4345
Website: www.childrenslegalcentre.com

The Equality and Human Rights
Commission Disability Helpline (England)
Freepost RRLL-GHUX-CTRX
Arndale House
Arndale Centre
Manchester
M4 3AQ
Tel: 0845 604 6610
Fax: 0845 604 6630
Email: englandhelpline@equalityhumanrights.com
Website: www.equalityhumanrights.com

The current School Admission Appeals Code can be obtained from:

The Department for Education
Castle View House
East Lane
Runcorn
Cheshire
WA7 2GJ
Tel: 370 000 2288
Fax: 01928 738248
Website: www.education.co.uk

Appeal to Test checklist

1.	You have received an Appeal to Test Pack.	<input type="checkbox"/>
2.	You will need to return all forms and any supporting evidence to the Appeals Team.	<input type="checkbox"/>
3.	You receive a letter of acknowledgement from the Appeals Team.	<input type="checkbox"/>
4.	You may wish to send any supporting evidence that was not available to you at the time of sending back your form.	<input type="checkbox"/>
5.	You receive a letter with a date and time for your appeal from the Appeals Team. Please note we will try to avoid any dates that you are unavailable, although occasionally this may not be possible.	<input type="checkbox"/>
6.	Seven days before your appeal, you receive a copy of the case for the Local Authority (or the Admission Authority of the school in question), a copy of your own case, an order of business and a map.	<input type="checkbox"/>
7.	You need to attend the appeal hearing or let us know that you will not be attending.	<input type="checkbox"/>
8.	You receive the decision letter within seven days of your hearing.	<input type="checkbox"/>

NOTES