

A GUIDE FOR PARENTS

“LATE SELECTION APPEALS”

Record your five-digit
reference number here:
(see page 6)

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2011



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۔

“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”

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 your child did not achieve the qualifying score, either for the Buckinghamshire grammar school selection tests or the subject tests for the school in question.

This means that the Admission Authority (either the council itself or the governing body of the school in question if it is a Foundation, VA or Academy School) does not consider your child to be suitable for a Buckinghamshire grammar school education.

As the person with parental responsibility for your child, the law allows you to appeal against this decision to an impartial body known as the Independent Appeal Panel (“IAP”).

The IAP has the power to decide whether your child is suitable for a grammar school education and they do this through reading and/or listening to your reasons why your child did not achieve the qualifying score in the selection test.

This booklet explains how the Late Selection appeal system works and the steps that we take to make your appeal as straightforward as possible. On the following page you will find a flow chart, which may also help you.

If you need further information, 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
Aylesbury, Buckinghamshire
HP20 1UA

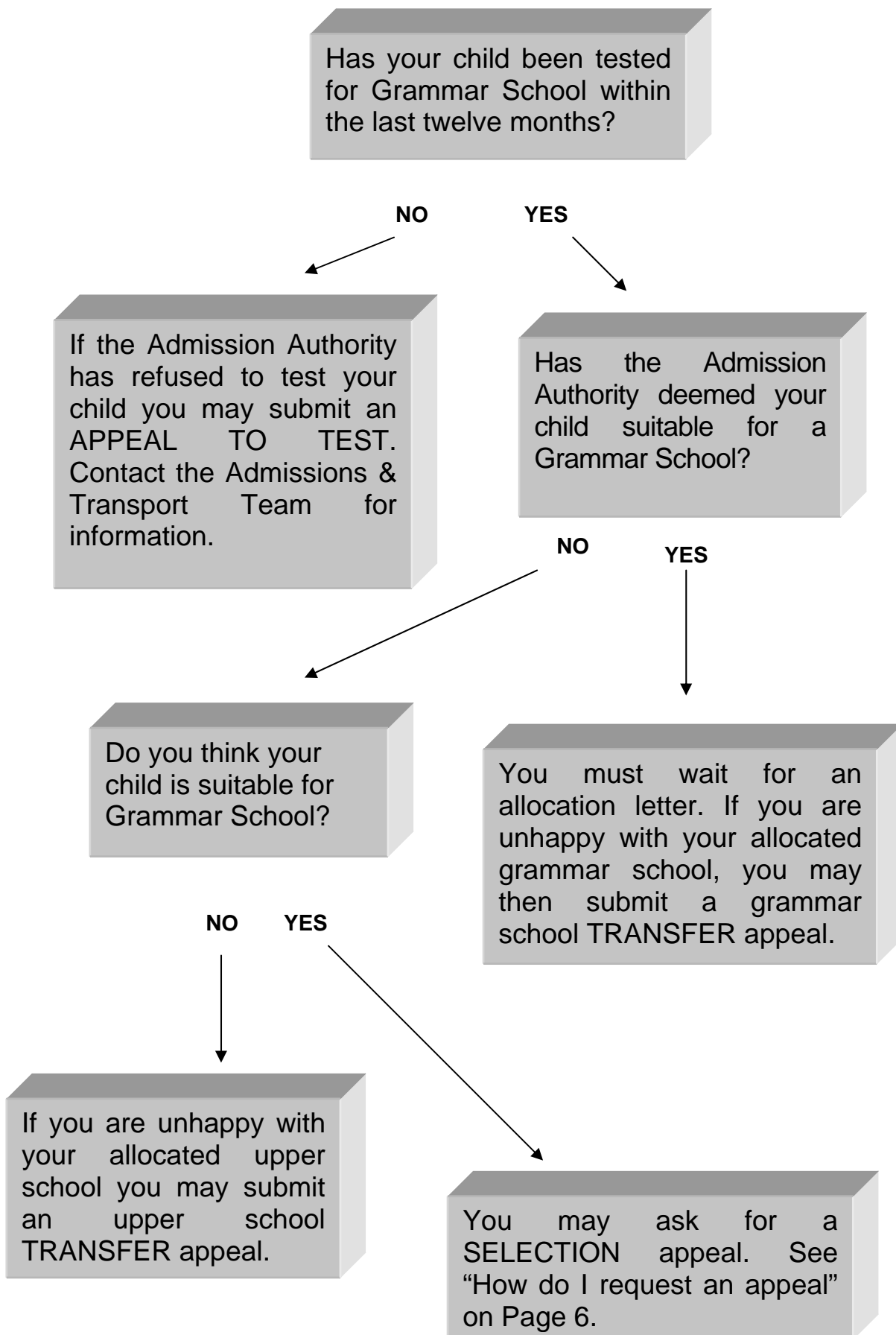
Telephone: 01296 383384/3677/3695 Fax: 01296 382421
E-mail: appeals@buckscc.gov.uk

Gujarati

Urdu

Polish

A GUIDE THROUGH THE PROCEDURE



How do I request an appeal?

Once you have read this booklet and decided to appeal, you should complete the enclosed yellow appeal form and ethnicity form, returning them to the address on the form within 14 days of the date of issue (shown on the top right hand corner of the form).

Once you have completed the yellow Late Selection Appeal form do not delay in returning it. If you have more evidence that you want the members of the IAP to consider, you can send it to us separately after returning the appeal form.

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 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 it.

Due to the large number of appeal forms we receive, we are not able to confirm receipt of your form or evidence 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.

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 Admissions Appeals Code of Practice. Lay members are people without personal experience in the management of any school or the provision of education in any school, disregarding experience as a school governor. Non Lay members have experience in education and are familiar with educational

conditions in the area or they are parents of a registered pupil at a school.

Some people are not permitted to hear education appeals. This includes any employees of 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 held?

At least 14 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. Please 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 given to the clerk before the appeal or sent to the Appeals Team in advance.

If you decide to withdraw your child's appeal, please ensure that you immediately telephone us on 01296 383384 or email us on 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 on the day, 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?

In all cases, and even if your child’s score is very close to the qualifying score, the IAP will want to understand why your child did not perform as expected in the tests.

You will be required to demonstrate your case and provide evidence to back it up. The IAP will consider any factors which may have affected your child’s performance in the test (e.g. illness, bereavement) and whether you made the Admission Authority (or the school in question) aware of these before your child sat the test.

Secondly, the IAP will then consider any clear evidence from you to support your claim that your child is of the required academic standard.

Examples of this might be a recent school report or a letter of support from their current or previous school, clearly indicating why your child is considered to be of the required academic standard. Marked school work may be shown on the day of the appeal.

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 the documentation that we have been provided with, in relation to your appeal, to all parties seven working days before the hearing. However, the IAP members prefer to look at original school work and academic certificates on the day of the appeal. If you wish to show the IAP such examples,

they can be brought on the day of the appeal 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 any 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 or treasury tags
- 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 us is photocopied by an external reprographics company and any folders received will be recycled, so may not be returned to you. **Please do 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 PowerPoint, video or other audio/visual presentations about your child.

When do I provide my evidence?

Apart from schoolwork or certificates, you should send 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 you need to.

Please note, if you provide additional evidence for your appeal, either within 10 days of the hearing 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 Admission Authority's case, a copy of your own case, an Order of Business and a map of the venue. The case for the Admission Authority against your child qualifying for a grammar school place will be based on a non qualifying score or level of attainment.

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 desk. The clerk will come to 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 who have been scheduled to be heard after your appeal.**

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 (and/or a representative of the school in question). The clerk and the Admission Authority representative will 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 will want you to tell them why you feel that your child did not reach the required qualifying score in the tests.

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 do 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, as there will be 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 should you or the Admission Authority representative (or the school in question) 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 seven days of your appeal hearing. Decisions of the IAP are not given over the telephone or by email.

If your child is subsequently allocated a school that is not your preference, you will have an opportunity to appeal for the school of your choice and also to join the waiting list. More information will

be available to you at that time. These appeals are known as “Transfer Appeals.”

What happens if my Late Selection appeal is unsuccessful?

The decision of the IAP is final and legally binding on all parties. However, a decision may be overturned by the High Court, where the appellant or Admission Authority is successful in applying for a Judicial Review of that decision.

You may also be able to apply for your child to be tested the following academic year for a grammar school education. Contact details for the Admissions and Transport Team can be found on page 16 or you can find more information at www.buckscc.gov.uk/schooladmission.

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 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 causing injustice by the IAP, 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 investigates complaints about most Council services and can look into cases where there has been a fault in the way the Council has or has not done something. He 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, but he 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 where 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 clerk before approaching the LGO, depending on the timescale you have been given.

Contact details for the LGO can be found on page 17.

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.

Further 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 yellow appeal form for you to tell us if 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. Training takes place every year and is designed to make sure that appeal panels 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 free 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 up to you 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 IAP 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 Adviser (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.

I am 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 are 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 the School Admission Appeals Code of Practice.

ANNE DAVIES
Head of Legal and 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:

a) For Buckinghamshire County Council Maintained Schools;

The 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

b) For an Academy, Foundation or Voluntary-aided School;

The governing body of the relevant school

If you are not satisfied with how your appeal was conducted you may contact:

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Advice Team: 0300 061 0614
Fax: 024 7682 0001
Website: www.lgo.org.uk
Email: advice@lgo.org.uk

The Advisory Centre for Education offers a free leaflet on how to appeal and a free advice line:

Advisory Centre for Education
1c Aberdeen Studios
22 Highbury Grove
London
N5 2DQ
Tel: 0808 800 5793 (Freephone)
Fax: 020 7354 9069
Website: www.ace-ed.org.uk

The Equality and Human Rights Commission will be able to advise you in relation to any queries you may have about a disability:

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

LATE SELECTION APPEAL CHECKLIST

1.	You have received a Late Selection Appeal 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 Admission Authority's case, 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. Any school work that you may wish to show to the panel should be brought on the day of the appeal.	<input type="checkbox"/>
8.	You receive the decision letter within seven days of your hearing.	<input type="checkbox"/>

NOTES