

A GUIDE FOR PARENTS

“TRANSFER APPEALS”

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

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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۔

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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 have requested this transfer appeal booklet and forms because the Admission Authority has not allocated your child to your first preference choice of school. This school may be a primary, grammar or upper school. When we say Admission Authority in this booklet we mean either the council itself or, in the case of Academies, Foundation or Voluntary Aided Schools, the Governing Body of that 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 offered a place at your preferred school and the Admission Authority must comply with the IAP’s decision.

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

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

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 have decided to appeal, you should complete the enclosed green appeal form and return it to the Appeals Team within 14 days of the date of issue (shown on the top right hand corner of the form). If your appeal form is returned late, it is quite possible that there will not be an appeal appointment available for your preferred school until later in the year. This means that you may miss the first round of transfer appeals for your preferred school and then you may then have to wait some time before any further appeals for that school are heard.

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.

It is likely that there will be other parents appealing for a place at your preferred school. The Appeals Team must try to arrange for all of the appeals for the same school that are received in the office at the time of scheduling, to be heard as a group by the same IAP. Sometimes, where there are very large numbers of appeals for the same school, the appeals will run over several days or weeks.

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.

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 reference number on it.

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 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 parents of a registered pupil 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 CHILD'S APPEAL BE HEARD?

Transfer appeals can take place at any time because families move into Buckinghamshire throughout the year and often find their preferred school full. You have 14 days from the date of refusal of allocation to your preferred school for you to return your appeal form. You will be given a minimum of 14 days notice for a date of appeal. Appeals do not normally take place during Buckinghamshire school holiday dates.

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 necessary arrangements for you.

Where there are two or more appeals for your preferred school you will be given two separate appointment times, which may be on different dates. The first time you are given will be for a grouped hearing of the Stage One process and the second time (and possible different date)

will be for the Stage Two process. The Two Stage process is explained in more detail on page 9.

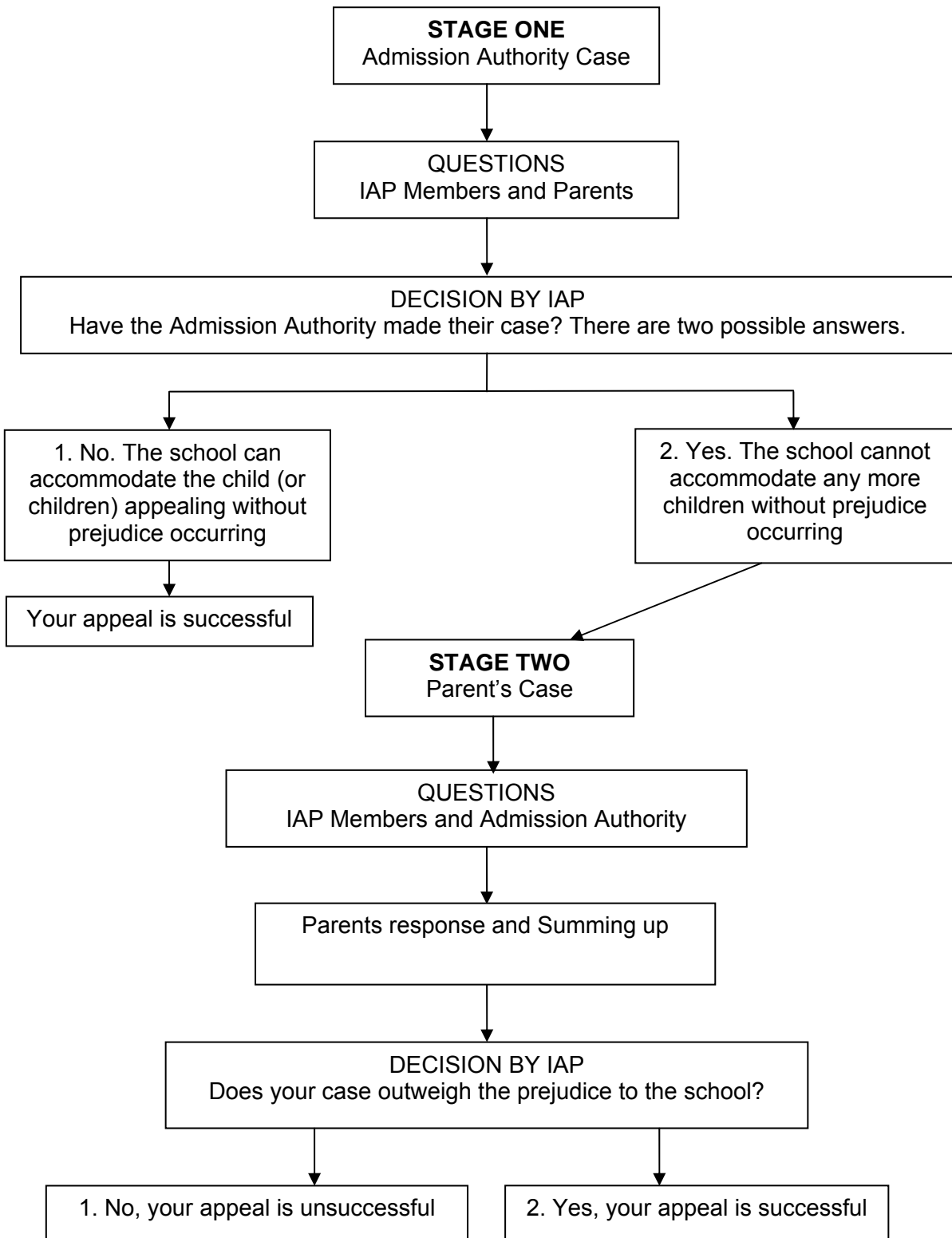
SHOULD I ATTEND THE APPEAL HEARING?

You do not have to attend your appeal hearing in person but we would strongly recommend that you do. However, given the complexity and the large number of appeals to be scheduled, it is inevitable that some parents will receive a date for their appeal that they just 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. IAP members do understand that it is not always possible for parents to attend. They do, however, also understand that appeals for the same school should be heard together.

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 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 WILL HAPPEN AT THE APPEAL HEARING



HOW AND WHEN DO I PROVIDE MY EVIDENCE?

IAP members like to read evidence about a child well in advance of the hearing and we send the documentation we have been provided with in relation to your appeal, to all parties seven working days before the appeal.

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

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.

Please note, if you provide additional 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, possibly to a later date. This is required 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.

The information you provide to 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 the 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 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.

WHAT HAPPENS NEXT?

Approximately seven working days before your appeal you will be sent a copy of the Admission Authority's detailed reasons for refusing your application, a copy of your own case, including a copy of the appeal form, an Order of Business and a map of the venue.

You will also be notified of the names 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.

The Admission Authority's case usually contains a site plan of the school and a map of the local area serving the school, together with any other statistical or relevant information.

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

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.

THE TWO STAGES OF A TRANSFER APPEAL

Stage One

Stage One is also known as the factual stage. The reason for this is because it is here that the Admission Authority's representative presents the facts in relation to the case for the Authority. It can be

organised in two different ways depending on the number of appeals for your preferred school. It can be grouped or individual.

If there is more than one appellant for your preferred school, Stage One will take place in the presence of all the parents of children appealing.

When you arrive at your appeal venue, please report to Reception. The clerk will come to collect you when it is time for your appeal.

After introductions by the Chairman, the appeal begins with the presentation of the case from the Admission Authority. The procedure will normally follow the Order of Business you received with your case papers.

The Admission Authority representative will read or present the written case (the same case you were sent nine days before the hearing) explaining that the relevant year group is full and therefore cannot admit your child. He/she will normally also explain that if more children were admitted it would not be possible to deliver education to the year group effectively and efficiently.

The Admission Authority's case will provide you with information about the school and will explain how allocations were made to the children who were awarded a place.

You will have the opportunity to question the Admission Authority about the reasons for refusing places at the school. Now is not the time to raise points about your individual circumstances, but you will be able to discuss things like admission numbers, space, health and safety implications etc.

At the end of Stage One, all parties will be asked to leave the room while the members of the IAP decide whether the Admission Authority has proved this initial case.

The clerk will invite all parties back into the room and you will be told the IAP's decision for Stage One.

There are two possible conclusions that the members of the IAP can come to when reaching a decision on the case for the school:

1. The IAP members do not accept that the Admission Authority's case has been proved **and** determine that the school can accommodate the child (or children) that are currently appealing.
2. The IAP members do accept that the Admission Authority's case has been proved. Therefore, "prejudice" would arise if ANY more children were admitted.

If the members of the IAP decide conclusion No 1, your child will automatically be awarded a place at your preferred school. You will be officially informed in writing within the next few days.

If the members of the IAP decide conclusion No 2, you will then be asked to present your individual case to the IAP members and the Admission Authority's representative. This is called Stage Two of the hearing.

In a grouped hearing, you will be asked to return on the second date and time you were given for your Stage Two hearing. This could be on the same day as the Stage One hearing but could also be on a separate occasion.

Stage Two

This is also known as the balancing stage. If the IAP found at Stage One that the Admission Authority's case was wholly proven (conclusion 2), it must simply consider whether the individual circumstances of any of the children outweigh any "prejudice" to the school, which might be caused by admitting any further child or children.

Stage Two always takes place in private. There will never be any other parents in the room.

During Stage Two, IAP members will want you to tell them why you think your case is strong enough to outweigh any "prejudice" that would arise if a further child were admitted to the school.

The IAP will also need to consider whether the over subscription criteria for the school was correctly and impartially applied to your application and if not, whether this led to your child being refused admission, whereas proper application of the criteria would have led to their acceptance. In that case, the IAP would normally uphold your appeal.

The IAP and the Admission Authority's representative will ask any questions they may have about your case. This is not in any way meant to be intimidating but the panel members will be trying to establish the significant points of your case during this time.

Once you have presented your case and there are no further questions to be asked from either party, you will then be given the opportunity to sum up your case (this should take no longer than a minute or two) and your appeal will then conclude.

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 evidence that you wish to. 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. The IAP will consider whether the strength of your case outweighs the "prejudice" that would arise at the school by admitting an extra child.

At no stage during the appeal should you or the Admissions Authority representative be on your/their own with the IAP members.

Please note that the Admission Authority representative will not be able to discuss your appeal with you either before or after your hearing. Should you have any queries on the admissions process, you should contact the Admissions & Transport Team on 01296 383250 or email admissions@buckscc.gov.uk.

Once the appeal has ended all spare copies of evidence are treated as confidential waste and will be destroyed.

If there have been several appeals for your preferred school, the IAP members are not able to make a final decision until all of the appeals have been heard.

WHEN WILL I KNOW THE DECISION OF THE IAP?

Whatever year of entry you are appealing for, the clerk will write to you within seven days of your hearing or within seven days of the last appeal if there are several appeals for your preferred school. In some cases this could be several days or possibly weeks after your appeal date if there are multiple appeals. To put things in perspective for you, the most appeals received for one specific year group within the same school over the last five years was 80. These appeals were held on 14 separate days over a four-week period. Decisions of the IAP are not given over the telephone or by email but are sent out by first class post.

WHAT HAPPENS IF MY APPEAL IS UNSUCCESSFUL?

The decision of the IAP is final and legally binding on all parties. 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 appeal for another school but you may not appeal for the same school more than once for any academic year. You will need to speak to the Admissions and Transport Team who will advise you and provide you with a new appeal form if you so wish. Contact details for the Admissions & Transport Team can be found on page 17 or you can find more information at www.buckscc.gov.uk/schooladmission.

In a small number of cases where, over time, the circumstances surrounding a child's application to a particular school vary significantly and materially, then the Admissions Authority may agree that the case would merit re-determining. The Admission Authority is only likely to do this in exceptional circumstances and/or where there is strong support from an appropriate professional.

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 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 to the Independent Appeal Panel 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, 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. 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 18.

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 their Headteacher and the Special Educational Needs Co-ordinator at the school. There is a space on the green 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. 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 and we will 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 as soon as possible if you require this free service.

Do I need legal representation?

An IAP hearing is not a court of law and so legal representation is not necessary. However, it is up to you to take your own legal advice if you wish. 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 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 provided they are not an employee of the school in question. 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.

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 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.

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 the relevant Admission Authority:

a) For Buckinghamshire County Council Maintained Schools;

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 0610614
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 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

TRANSFER APPEAL CHECKLIST

1.	You have received an Transfer 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.	Approximately 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.	<input type="checkbox"/>
8.	You receive the decision letter within seven days of your hearing or within seven days of the last appeal if there are several appeals for your preferred school.	<input type="checkbox"/>