

# **SCHOOL ADMISSIONS APPEALS FOR ST BERNADETTE CATHOLIC PRIMARY SCHOOL IN THE DIOCESE OF WESTMINSTER**

## **GUIDANCE FOR PARENTS**

### **INFANT YEAR GROUPS (RECEPTION, YEARS 1 & 2)**

This information leaflet has been prepared to assist you if you wish to lodge an appeal because through the normal operation of the School's admission policy you have not been allocated a place at St Bernadette Catholic Primary School.

***Before lodging an appeal you should read the note headed "DECISION" INFANT YEAR GROUPS (RECEPTION, YEARS 1 & 2).***

**The following notes contain general information which we hope will be helpful to parents**

#### **WHO IS RESPONSIBLE FOR ORGANISING AND HEARING SCHOOL ADMISSIONS APPEALS?**

Decisions regarding school admissions applications are made by the relevant admissions authority for the school concerned. For Voluntary Aided schools, such as St Bernadette Catholic Primary School, this is the governing body of the school. Appeals against admissions decisions for Voluntary Aided schools are made to the relevant school's appeals committee. The Clerk to the Appeal Panel for each school can be contacted via the school. The procedure for school admissions appeals is contained in current legislation for LA schools. Voluntary Aided schools have the same procedure incorporated in their articles of government.

#### **HOW DO I APPEAL?**

Parents who wish to appeal should do by completing the St Bernadette Catholic Primary School Admissions Appeal form which can be obtained by writing to the Admissions Officer at the school.

#### **WHO WILL CONSIDER AN APPEAL?**

An Education Appeal Panel will usually consist of four people, including the Clerk. Voluntary School Appeals Panels will include at least one person who has experience in education matters and at least one Lay Member. The Education Appeals Panel is independent of the admissions authority (*the governing body in the case of Voluntary Aided schools*) and its decisions are binding on the authority.

#### **WHERE WILL APPEAL HEARINGS BE HELD?**

Education Appeals Panels usually meet, either in the day or in the evening, at the School. After Notice of Appeal is received, parents are informed in writing of the date, time and place for the hearing of their Appeal.

#### **HOW MUCH NOTICE WILL PARENTS RECEIVE OF THE DATE, TIME AND VENUE FOR THE APPEALS?**

Parents have the right to 14 days' notice of the date, time and venue of the hearing. Only in exceptional cases and with the agreement of the parents concerned will a shorter period of Notice be given. At least seven days before the date fixed for the hearing parents will receive the admissions authority's statement and any other documents which are referred to in it.

## **SHOULD PARENTS WHO ARE APPEALING ATTEND THE HEARING?**

It is particularly helpful to an Appeal Panel in arriving at a decision if parents attend the hearing. Parents are invited and encouraged to attend. It is not normally considered necessary for the child to attend. If it is not possible for a parent or a representative to attend on their behalf, the case will be considered on the basis of the written information on the Appeal Form.

## **SHOULD PARENTS BE REPRESENTED?**

Parents may be accompanied by a friend or be represented by someone to speak on their behalf. The hearings are informal and legal representation will seldom be necessary. Whether or not parents are legally represented at the hearing is, of course, entirely up to the parents.

## **SHOULD PARENTS CALL WITNESSES AT THE HEARING?**

It is not normally necessary for witnesses to be called. However, Appeal Panels usually agree to hear evidence from witnesses if it is relevant to the Appeal.

## **WHO MAY BE PRESENT?**

An Appeal will be heard in private and only the Members of the Appeal Panel, the Clerk and the Representative of the admissions authority concerned will normally be present. The presence of any other people is subject to the agreement of the parties to the Appeal and at the discretion of the Appeal Panel.

## **WHAT ROLE DOES THE CLERK HAVE?**

The Clerk advises the Members of the Appeal Panel on procedural and legal matters and acts independently of the admissions authority.

## **WHAT DOCUMENTS WILL THE APPEAL PANEL CONSIDER?**

The Appeal Panel will have copies of the parents' Notice of Appeal and any documents sent with it. It will also have the admissions authority's statement and any accompanying documents together with general information relating to arrangements for admission of pupils.

If parents want to produce any other documents at the Appeal then it would be helpful if they can be enclosed with the Notice of Appeal or supplied to the Clerk well before the hearing.

## **THE HEARING**

Parents are asked to attend no later than the advised time, although some appeals do take longer than others. Parents are, therefore, asked to remain outside the room in which Appeals are being held until they are called.

## **WHAT PROCEDURE WILL BE FOLLOWED AT THE HEARING?**

The procedure at an Appeal Hearing will be as follows:-

1. Parents and the Representative for the admissions authority are invited in.
2. The Clerk or Chairperson will introduce the Members of the Appeal Panel and outline the procedure to be followed for the hearing.
3. The Representative for the admissions authority will explain the Authority's case including the reasons why the Authority has been unable to allocate a place for the child at the preferred school.
4. Parents and Panel Members may ask questions of the representative for the admissions authority.
5. Parents will then explain their case and the reasons for their Appeal.

6. The Representative for the admissions authority and Panel Members may ask questions of the parents.
7. The Representative for the admissions authority summarises the Authority's case.
8. Parents summarise their case.
9. Both the parents and the Representative for the admissions authority leave.
10. The Appeal Panel discuss the case and make their decision.

## **DECISION**

### **INFANT YEAR GROUPS (RECEPTION, YEARS 1 & 2)**

You may be aware that there are statutory limits in force for infant class sizes (reception, Years 1 and 2) and that, subject to certain very limited exceptions, these statutory limits mean that no infant class containing 5, 6 and 7 year olds may contain more than 30 pupils with a single qualified teacher. This is known as 'the thirty class size rule'. After considering all the representations made to them at the hearing, the Panel will decide:

1. Whether or not the maximum permitted class size of 30 would already have been reached by the time your child started at the school.
2. Whether or not, therefore, to allow your child into the school would breach the statutory class size limits for infant classes.

In cases such as these, an Appeals Panel can uphold your Appeal and offer a place to your child **only** where it is satisfied that either :-

- a) the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case or,
- b) that the child would have been offered a place if the school's admission arrangements had been properly implemented.

When hearing a number of Appeals for the same school the Appeal Panel will reach a decision after hearing all the Appeals relating to that particular school. This procedure is adopted so that parents whose Appeals are heard later rather than sooner do not feel that their case has been prejudiced by appeals already heard. The Appeal Panel's decision is notified to parents and to the admissions authority in writing as soon as possible.

### **WHAT IF I LOSE MY APPEAL AND I AM DISSATISFIED WITH THE WAY IN WHICH THE LOCAL EDUCATION AUTHORITY OR THE APPEAL PANEL HAS DEALT WITH THE MATTER?**

The Appeal Panel's decision is binding and there is no further Right of Appeal. However, there are other possible courses of action available which parents may wish to consider as appropriate:-

1. Complain to the Secretary of State for Education that the admissions authority has acted unreasonably.
2. Initiate proceedings in the High Court for Judicial Review, if it is considered that the Hearing has not been conducted properly.
3. Complain to the Commissioner for Local Administration (The Ombudsman) if a parent feels that there has been maladministration.
4. Complain to the Council on Tribunals on general procedural matters.
5. Express a preference for another School or the same School if there has been a change in your circumstances (e.g. you have moved).

If you would like further information on the arrangements for the hearing or on any point of procedure you should contact the Admissions Officer at the School on 01895 232298.