

**REDNOCK SCHOOL**

**NOTICE TO APPEAL FORM**

---

I wish to appeal against the decision not to offer my child a place at Rednock School for the following reasons:

---

Are you submitting any additional documents?

Yes / No

If yes, please give details and ensure such documents are received one week prior to your hearing:

**I wish / do not wish to attend and speak when the appeal is considered**

**I would like to be represented by (name and address):**

**Signed:**

**Name:**

**Date:**

---

## **REDNOCK SCHOOL**

### **THE APPEAL PANEL**

Three people will hear your Appeal and will decide whether the School's decision should be changed.

The three people will be volunteers who are not linked to the Education Service or Rednock School. At least one of the panel members will be a parent themselves. They will have some background knowledge about the school allocation system but will not have had a background briefing about your case.

It is recommended you attend your Appeal. This is your chance to speak on behalf of your child.

You can ask someone to speak for you or you are welcome to bring a friend. Please list the people who will come with you on your Notice of Appeal Form. It is not appropriate for you to be accompanied by a teacher from your child's current school.

If you are not present at your Appeal, and have asked for the appeal to be heard without you, the panel members will consider your case very carefully and will base their decision on all the written information they have. However, they will not be able to ask for further details from you or ask for answers to additional questions on your behalf.

If you would like to attend but the Appeal date is impossible for you, let us know the reason why. We will do our best to rearrange your Appeal but this might not always be possible.

#### **Do you have any special needs?**

If you have any hearing or sign problems, a physical disability or other needs, let us know and we will make any necessary arrangements for you.

The panel will read all available information before hearing your Appeal, including:

- a. Your Notice of Appeal and all relevant letters and documents you have provided;
- b. The full statement from the School explaining why your child has been refused a place at Rednock School;
- c. School admission information published by the County Council.

The panel will not be given confidential information about your case that is not available to you.

#### **What happens on the day of your Appeal?**

All appeals are heard in private. Appeals are quite formal because we have to follow a national code of practice. We will do all we can to put you at your ease.

You will be shown to a special area where you will wait until the panel is ready to hear your Appeal. We will try and make sure your Appeal is heard on time but earlier appeals may take longer than expected.

When the Appeal Panel is ready, you will be called into the room where your Appeal will take place. One or two representatives from the School will be called in at the same time.

The three panel members will be in the room in addition to a clerk who will make notes and advise the panel on any legal issues.

It is not normally appropriate for children to attend appeals. If you feel this is necessary, please contact us as soon as possible so we can provide appropriate advice.

During your Appeal the following will happen:

1. The Chairperson, one of the three panel members, will introduce everyone and explain the appeal procedure and decision process;
2. Representatives from the School will explain why they reached their decision not to offer a place at Rednock School;
3. You will be offered the opportunity to ask any questions;
4. You will then explain your reasons for your Appeal;
5. The representatives from the School will be offered the opportunity to ask you questions;
6. The panel may ask you relevant questions;
7. The School will summarise why they think their decision was right;
8. In summary, you will confirm that you still disagree with the decision;
9. The Chairperson will explain when you can expect to receive their decision;
10. You and the School members will be asked to leave;
11. The panel members will discuss your Appeal and reach their decision.

The panel will make its decision after you and the School members have left the room. The panel will first decide if the School was legally entitled to refuse a place at Rednock School on one of the grounds in Section 86 of the School Standards and Framework Act 1998.

If the panel is not satisfied that one of the Section 86 grounds applies, then your Appeal must be allowed. Once the panel is satisfied that the School was legally entitled to refuse a place at Rednock School, it must then balance the reasons for your preference against the consequences of allowing your Appeal, taking account of the published admission arrangements. This may involve considering the consequences of allowing all or only some appeals for the school and the grounds for each of those appeals.

### **After your appeal**

We will not be able to tell you the panel's decision on the same day as your Appeal. We will write to you as soon as possible to confirm the panel's decision. It is often necessary for the panel to defer making a decision, e.g. to allow it to hear a number of competing claims for the School or to give parents and the School an opportunity to discuss a possible solution.

### **The effect of the decision**

If your Appeal is successful, the School will make the necessary arrangements to enable your child to attend Rednock School. If your Appeal is not successful, it might still be possible for the School to offer you a place if vacancies occur later in the year.

## **What happens if your Appeal fails?**

You can only appeal once during each school year and there is no further Right of Appeal against the Appeal Panel's decision.

If you believe the decision making process has been unfair or wrong, you can complain to the Local Government Ombudsman.

You may also want to seek legal advice to consider other courses of action such as a judicial review. This would involve a judge looking at your case but would involve significant costs.

## **The Law and relevant Codes of Practice**

The School Standards and Frameworks Act 1998 dictates the school admission arrangements that must be in place. Gloucestershire County Council, as the Local Authority, is required to make arrangements for parents who express preferences for school.

The Act also gives a number of specific circumstances when councils do not have to comply with parents' preferences:

- a. Compliance with the preference would prejudice the provision of efficient education or the efficient use of resources.
- b. Admission arrangements for the preferred school are wholly based on selection by high ability or aptitude and the admission of the child would be incompatible with selection under those arrangements.
- c. The child has been permanently excluded from two or more schools and at least one of the exclusions took place after 1<sup>st</sup> September 1997.

(With regard to c., the requirement to comply with parental preference does not apply for two years after the second exclusion. This does not apply to children below compulsory school age, or to pupils reinstated after exclusion. A permanent exclusion is regarded as taking effect from the first school day the Head Teacher has told the pupil not to attend the school. If your child is in this situation, please contact the Democratic Services Unit for further advice.)