

# Guidance on Admission Appeals to Kensington Aldridge Academy

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## **Introduction**

### **Your right of appeal**

If it has not been possible to offer your child a place at your preferred school/academy you have the right, by law, to appeal to an independent appeal panel.

We understand how important making decisions about your child's education and schooling are to you. We know that deciding to appeal and going through the appeals process can be a worrying and anxious time.

With this in mind, we hope that the information contained in this leaflet will serve to simplify and clarify the appeals system. You will find a step-by-step guide to making an appeal. It will take you through each stage of the appeal process, explaining what happens at each point and tell you what you need to do.

### **Deciding to make an appeal**

If it has not been possible to offer your child a place at your preferred school/academy, you may decide that you want to exercise your right of appeal against this decision.

When considering whether to appeal, it is important that you are aware that although the law allows you have the opportunity to appeal against admission decisions, it does not give your child the right to a place at a particular school/academy. There is no guarantee that your appeal will be successful. If you are appealing for a place at a particular school/academy, you should make arrangements for a place at an alternative school in case your appeal is unsuccessful. Accepting a place at another school does not affect your right to appeal concerning a place at the school you would prefer.

The admissions arrangements for Kensington Aldridge Academy are published on the school website, the Royal Borough of Kensington and Chelsea website and in the council's secondary booklet which is made available in September each year.

## Completing the Appeal Form

- Complete the appeal form using black ink or typescript.
- Include as much information as you can, particularly in section 4, which asks you to give your reasons for your appeal. Here you should explain as fully as you can the reasons why you want your child to attend the Academy. If you do not think that your application has been treated correctly or fairly, or in accordance with the admission criteria, then you should explain why you think this is the case. Attach additional paper if you need to.
- If there are new medical factors involved in your reasons for appealing (ie which have arisen since your original application for the Academy was made) it is important that these are supported by a letter from your doctor. This should be sent with your completed appeal form.
- You may include any other letters, correspondence, written reports or documents to support your case.
- Ensure that your form is returned to **The School Admissions Team, Green Zone, 2<sup>nd</sup> Floor, Kensington Town Hall, W8 7NX.**
- Please make sure that you have included as much information as you can and that you have enclosed all the supporting documentation for your appeal. This is important because, if, for any reason, you do not attend the hearing then the panel will make a decision based on your written submission only.
- Your completed form, and any additional papers that you submit with it constitutes your written case for appeal. It will be sent to all members of the admission appeals panel in advance of the appeal hearing.

## Preparing for your Appeal

The Royal Borough, on behalf of Kensington Aldridge Academy, will make arrangements for your case to be heard by an independent admissions appeal panel. If you are appealing for a place to start Year 7 in September, you must submit your appeal form by 24 March in order for it to be heard in June. In-year admission appeals are heard within 30 school days of receiving your appeal form. Appeal hearings are normally held at **Kensington Town Hall, Hornton street, W8 7NX**. The hearing will normally last for 15-20 minutes but there are no restrictions if more time is needed.

You will receive notice, at least 10 school days in advance, of the time and place of your appeal.

Before the hearing date you will also be sent the papers for your case. These will include:

1. the names of the panel members and clerk (if not previously notified of these).
2. a copy of your appeal form;
3. a copy of any supporting information submitted with your appeal;
4. a written statement from Kensington Aldridge Academy explaining how places were allocated and why your child was not been offered a place at the Academy;
5. any further information specific to your individual case.

Before the day of the appeal hearing you might wish to prepare yourself by:

- Looking at the procedures for the hearing (see steps 3 & 4).
- Making a note of any questions you may have about your appeal.
- Making sure you have looked at the Academy's case (which is included in the papers you will have received for the hearing).
- Spending some time deciding what you would like to say when the panel invites you to explain your reasons for wanting your child to attend the Academy.
- Reading your appeal form and ensuring that you have submitted all the paperwork to support your appeal.
- Deciding who will attend the hearing. You may bring a member of your family, a friend or other representative with you to help you make your case or simply to give you support.
- If you need an interpreter or any other type of assistance to help you at your hearing, please ensure that you state this on your appeal form.

# **The Appeal Panel**

## **What is an independent appeal panel?**

The law requires that the admissions authority for a school/academy, whether that be the governing body or the council, must make arrangements for you to appeal to an independent appeal panel if it has not been possible to meet your preference for the school you wish your child to attend.

The composition of the appeal panel and the procedures it follows when appeals are governed by School Admissions Appeals Code issued by the Secretary of State.

The appeal panel can either refuse or allow your appeal. It has no other powers. The panel's decision is binding on the Academy and appellant.

## **The Panel Members**

Your appeal will be heard by a panel of three people who are completely independent of the Royal Borough and the Academy. The panel will include at least one person with experience in education or who knows about education conditions in the area, or is a parent with a child at a school (not Kensington Aldridge Academy). The panel will also include at least one "lay" member, who is someone who has no personal experience in managing a school or providing education, other than as a governor or in another voluntary capacity.

## **Who will be present at the appeal hearing?**

1. The panel members (three people).
2. Yourself and anyone else you may choose to bring with you.
3. An officer from the Royal Borough to present the case and/ or a representative from the Academy.
4. The clerk to the appeal panel. The clerk is independent of the Academy.

## **Attending the appeal hearing**

You are strongly advised to attend the appeal hearing as this is your opportunity to put your case to the panel. If you cannot attend, your appeal will be considered on the basis of whatever written information you have provided.

We recognise that some parents may find attending an appeal hearing a daunting experience. There are set procedures which must be followed but the proceedings will be as informal as possible. Everyone there will try to help you be at ease.

### **What will happen on the day?**

After introductions by the chair of the panel, the proceedings at the appeal hearing will follow the order set out below:

1. The case for Kensington Aldridge Academy is presented by an officer from the Royal Borough or a representative from the Academy. This will explain why your child has not been given a place.
2. You (or your representative) and the panel can then ask questions
3. You (or your representative) will be asked to put your case. You should explain your reasons for wanting your child to attend the Academy. The appeal hearing is confidential and you should include all information that is relevant to your case. You will not be able to add anything after the hearing.
4. The officer/academy representative and the panel then may ask questions
5. Summing up by the officer/academy representative.
6. Summing up by you or your representative. This is the opportunity to highlight the main reasons for your appeal or to add anything you may have forgotten.

After your appeal, you and the officer/academy representative will be asked to leave. The panel will then make their decision in private. The clerk will remain to note their decision.

## **The panel's decision**

The appeal panel will consider all the information that you and the officer/academy representative have presented to the hearing. They will usually make their decision as to whether to allow or refuse your appeal on the same day as the hearing, or, if there is more than one appeal for the same school, on the day of the last hearing. The clerk will normally write to you to inform you of the panel's decision within five school days of the appeal hearing.

### **How does the panel make their decision?**

There is a two stage process for deciding these appeals.

#### **Stage 1 – factual stage**

The panel must consider if the Academy's published admission arrangements comply with the mandatory requirements of the Admissions Code and Schools Standards and Framework Act 1998 and were applied correctly in your case or if the admission of an extra child would 'prejudice' the provision of education at the Academy.

If the panel decides that the admission arrangements were applied incorrectly and that your child would have been offered a place had they been applied they will uphold your appeal. Similarly if the panel decides that the admission of an extra child would not prejudice the provision of education at the Academy they will uphold your appeal. Otherwise the panel will go to stage 2.

#### **Stage 2 – the balancing stage**

The Panel will consider your reasons for wanting your child to attend the Academy. They will decide whether your reasons for appealing for a place at the school, outweigh the Academy's reasons for refusing you a place.

## Further Guidance

This leaflet is intended as a simple guide for parents who find themselves involved in the appeals process. If you have questions or queries which are not covered in this guide, you can contact the Tri-borough Admissions Team on 020 7745 6432 email: [school.admissions@rbkc.gov.uk](mailto:school.admissions@rbkc.gov.uk).

## Further Advice

### School Admissions Appeal Code

Issued by the Department for Education (DFE), this Code contains more detailed guidance on the appeals process and explains the legal basis of admission appeals. A copy of the Code can be downloaded free of charge from the DFE website at

[www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/current-codes-and-regulations](http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/current-codes-and-regulations).

### School Admissions Code

Issued by the Department for Education (DFE), the Code contains more detailed guidance on the school admissions generally and explains the legal basis of admissions process. A copy of the Code can be downloaded free of charge from the DFE website at

[www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/current-codes-and-regulations](http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/current-codes-and-regulations).

For further independent advice, you may also find the following organisation helpful:

### Coram Children's Legal Centre

Advice line: 0808 8020 008

Website: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

## Complaints

If you think that the procedures for your appeal have not been followed correctly, for maintained schools, (community schools, voluntary aided/controlled schools and foundation schools), you can contact:

### The Local Government Ombudsman

PO Box 4771, Coventry, CV4 0EH

Advice line: 0300 061 0614

Email: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

For academies and free schools, if you think that the procedures for your appeal have not been followed correctly you can complain to the Education Funding Agency who investigate complaints on behalf of the Secretary of State.

### Education Funding Agency

Admission Appeal Complaints, Academies Central Unit, Education Funding Agency, Earlsdon Park, Butts Road, Coventry, CV1 3BH

Email: [academyquestions@efa.education.gov.uk](mailto:academyquestions@efa.education.gov.uk)