

# **ASHMOLE ACADEMY TRUST**

**Ashmole Secondary  
Ashmole Primary**

**Admission  
Appeal Booklet**

**2019**

**Ashmole Academy is its own Admissions Authority. Appeals are, therefore, made directly to the school.**

**This booklet explains how you can make an appeal if you have not been offered a place for your child, and how the appeals process works.**

### **How can I make an appeal?**

An appeal form is available to download from the website, please complete and return this form to the Ms K Foye, Ashmole Academy, Cecil Road, Southgate N14 5RJ who will pass to the Independent Appeals Clerk. You should consider if there is any additional information you wish to provide with your appeal form e.g. medical or specialist report and forward six copies of any reports. You will be given at least 20 school days from the date you were advised your application was not successful to submit your appeal.

The appeal form will be an important part of your case and you need to submit the grounds of your appeal by the deadline date advised to you, attaching any supporting information to it. The appeal panel and the presenting officer will be sent a copy of it before the hearing. If you need any help you can contact Advisory Centre for Education (ACE), your local Citizens Advice Bureau (CAB) and Family Lives which, is a national charity that works for and with parents. These organisations may incur a cost but they will advise you.

You can submit further evidence not sent with the original appeal up to the deadline date given in the written confirmation letter. Any information or evidence not submitted by the deadline may not be considered at the appeal or may lead to an adjournment of the hearing to allow the admission authority time to consider it and for the panel to give it proper consideration.

NB: You cannot submit any evidence after your appeal hearing takes place

The school must supply all information reasonably asked for by you so you are in a position to question their case.

### **Secondary Transfer Appeals**

These are for children who were not offered a place for Year 7 (Ashmole Academy) and Reception (Ashmole Primary) in September. These appeal hearings take place during the summer term before admission to the school in September. A timetable for secondary transfer appeals is available on [www.ashmoleacademy.org](http://www.ashmoleacademy.org) .

Appeal results for the corresponding hearings for the last four years are shown below:

### **Ashmole Academy**

2015	15.4 % of the hearings that were heard were successful
2016	16.6 % of the hearings that were heard were successful
2017	9% of the hearings that were heard were successful
2018	12% of the hearings that were heard were successful

### **Ashmole Primary**

2017	0% of the hearings that were heard were successful
2018	0% of the hearings that were heard were successful

### **Casual Admission Appeals**

These appeals are for parents who want their child to be offered a place in the current Years 7 – 11 (Ashmole Academy) and Reception and year 1 (Ashmole Primary) and cannot be offered a place as the year group is full. These appeals usually take place at least once per term. You will be given at least 20 school days to lodge your appeal and the appeal will be held within 30 school days of being lodged.

Parents also have a right of appeal if a child is refused entry to the Sixth Form.

### **Who can come to my appeal?**

You will be invited to the hearing to present your case in person. Most parents do take up this opportunity. If you do not wish to attend the appeal please let us know and the appeal will be considered based on the written evidence you have supplied. This also applies if you do not arrive for your hearing, having previously indicated you will attend.

Please advise us if you decide not to proceed with the appeal or if you change your mind about attending.

Your appeal will be heard in two parts. For the first part the presenting officer will explain to a group of parents why places could not be offered.

You will then have the opportunity to present your case in private. This will involve a period of waiting between the two sessions.

### **Can I bring anyone with me to help me present my case?**

You may bring a friend or someone who may speak on your behalf and therefore represent you. Bearing in mind the importance of maintaining a reasonably informal atmosphere it should not normally be necessary to bring a solicitor or lawyer. If you do wish to bring a legal representative or a friend or adviser to present your case you must tell us when you return your form. You also have the right to nominate someone to attend the appeal in your place.

Please note that your friend or adviser can be a Choice Adviser, a locally elected politician or an employee of the local authority, such as an educational social worker, SEN adviser or learning mentor, providing it will not lead to a conflict of interest.

It is not possible for an employee or governor of Ashmole Academy Trust to accompany you or provide letters of support. This is to prevent any conflict of interest or unfairness to other appellants.

### **What if I have a special need or disability.**

Do please let us know on the appeal form if you have any special requirement and need assistance. We will try to meet your needs wherever possible.

### **What if English is not my first language.**

If English is not your first language and you do not feel confident conducting the appeal without the assistance of an interpreter, please tell us on the appeal form and let us know which language you speak. From experience, we find that parents who bring a friend to interpret provide a better service for parents than if we provide an interpreter for you. However, if this is not possible, the panel will engage an interpreter for you.

### **Can I bring my child?**

The panel does not feel it is appropriate for your son or daughter to attend the hearing. The Admissions Code prohibits schools from interviewing children before they are offered a place. If your child were to attend, it could be considered by some to be an interview.

### **Who will be at your Appeal**

#### ***Panel Members***

The panel consists of three people.

- At least one member must have experience in education, have knowledge of education conditions or be a parent of a registered pupil at a school.
- At least one member must be a lay person, that is, someone without personal experience in the management of a school or the provision of education in a school (other than experience gained in a voluntary capacity or as a school governor).

#### ***The Clerk to the Appeal Panel***

The Clerk to the Appeal Panel does not have any say at all in the panel's decision but is there to:

- Explain the basic procedure and deal with any questions you may have.
- Make sure each party is heard in turn.
- Be an independent source of advice on procedures and the law.

- Record the proceedings, decision and reasons.
- Notify all concerned of the panel's decision.

The appeal panel will either accept or reject your appeal. If it accepts your appeal, your child must be offered a place at the school.

### ***The Presenting Officer for Ashmole Academy/Ashmole Primary***

The Presenting Officer will explain why your child was not offered a place at the School. He/she can also ask you questions.

### **The Order of the Appeal Hearing**

- Introductions
- The case for the admission authority
- Questioning by the appellants and panel
- The case for the appellants
- Questioning by the admission authority and panel
- Summing up by the admission authority
- Summing up by the appellants

The Appeal Panel members may ask questions at any time if they require clarification of what is being said or if they need information in order to reach a decision.

The parents and the presenting officer will then be asked to leave. The Panel will consider its decisions when all the appeals have been heard.

The Panel will inform the Clerk who will write to parents advising them of the decision, normally within five working days after the last appeal has been heard.

Where a large number of appeals is being held the case for the admissions authority will be heard with groups of parents in attendance. Thereafter each family will be invited to present its own case to the panel in private.

### **The Panel Decision**

#### **How will the Panel reach its decision?**

All appeals must follow a two stage process.

**The first stage** is about establishing the facts where the Panel considers:

- whether the school's published admission numbers were complied with the mandatory requirements of the Schools Admissions Code and Part 3 of the Schools Standard Framework Act 1998 and were correctly applied in your case (i.e. has a mistake been made which has wrongly denied your child a place at the school), and

- whether or not there would be 'prejudice' caused to the school by the admission of additional children..

If the panel is satisfied that the facts have been proved it must move onto the second stage.

**The second stage** is where the panel is required to balance the arguments.

The Panel must consider whether your grounds for your child to be admitted to the school outweigh any prejudice that would be caused to the school by the admission of another child. The panel will take into account your reasons for expressing a preference for the school. It will also consider the consequences for the school and the other children by complying with your wishes before making a decision.

### **Additional rules for appeals in years Reception, 1 and 2 at Ashmole Primary School.**

Since 2001, the Government have decided that no child under the age of 7 shall be taught in classes of more than 30. Consequently, all appeals lodged for a place years Reception, 1 and 2 are subject to class size legislation. The panel does not have the power to use their discretion at a balancing stage.

The appeal The panel can only consider the following:

- (a) whether an additional child/children would breach the infant class size limit;
- (b) whether the child would have been offered a place if the admission arrangements complied with the mandatory requirements of the School Admissions Code and the School Standards and Framework Act 1998;
- (c) whether the admission arrangements were correctly and impartially applied; **and**
- (d) whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case

The unreasonable test is “unreasonable in the legal sense”. The Appeals Code states that this could be a decision was perverse or irrational or one which no reasonable decision would make. The fact that your child had been offered a place at a school further away would not be considered unreasonable in the legal sense.

**The decision of the appeal panel is final.**

### **Re-appeal**

It is not normally possible to re-appeal for the same academic year unless there are significant and material changes in the circumstances of the parent, child or school.

### **Complaints About Appeal Hearings**

If you feel that your appeal hearing was not properly or fairly conducted you can complain to the Education and Skills Funding Agency. However, the agency will only investigate your complaint if he feels there may have been maladministration.

**This is not a further opportunity to have your appeal reconsidered.**

If the Education Funding Agency finds there has been maladministration that might have caused injustice, one of the remedies sometimes suggested is a fresh appeal with different panel members. The original appeal result will not be overturned.

### **Judicial Review**

Parents can apply to the Courts for a Judicial Review of the appeal hearing if you feel that the decision was flawed or that a mistake had been made either in the admission or appeal process. You will need to do this within three months of the decision letter.

If this is the case you should consult a solicitor, Law Centre or other source of advice such as the Advisory Centre for Education.

**This booklet is intended as a brief outline guide only.**

#### **Family Lives**

Tel: 0808 800 2222

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

#### **ACE**

Tel; 020 8888 3377

Website: [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

#### **Department of Education**

<https://www.gov.uk/government/organisations/department-for-education>