

SCHOOL ADMISSION APPEALS FOR OXLEY PARK ACADEMY

**(For all appeals other than those affected by Infant Class Size
Legislation)**

Guidance for parents – 2016



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INTRODUCTION

This appeal booklet provides information for a statutory appeal against the refusal of the Admission Authority to allocate a school place at Oxley Park Academy (the “school”).

(This booklet does not, however, provide information for appeals affected by Infant Class Size Legislation. A separate booklet exists for Infant Class Size Appeals which are relevant to Reception, Year 1 and Year 2. If you need a copy of the Infant Class Size Appeals booklet for the school, please contact the school on **appeals@oxleyparkacademy.com** or telephone the office on **01908-503870**.)

As the school is an Academy, all references to the Admission Authority in this booklet mean the Board of Academy Directors.

The School Standards and Framework Act 1998 (“SSFA”) and the School Admission Appeals Code produced by the Department of Education govern all school admission appeals.

The law allows a person with parental responsibility for a child to appeal against the decision of the Admission Authority to an impartial body known as the **Independent Appeal Panel (“IAP”)**. References to a parent in this booklet mean a parent or a person with parental responsibility.

The IAP has the power to decide whether the child should be offered a place at the preferred school and the Admission Authority must comply with the IAP’s decision.

The appeals for Oxley Park Academy are organised independently by the Appeals Team at Buckinghamshire County Council and you must return your appeal form to them at the address below. This booklet explains how the Admission Appeal procedure works and the steps that the Appeals Team take to make the appeal as straightforward as possible.

If you need further information, please do not hesitate to contact a member of the Appeals Team. Contact details are as follows:

The Appeals Team
Buckinghamshire County Council
County Offices
Walton Street
Aylesbury
HP20 1UA
Telephone: 01296 383384
Fax: 01296 382421
Email: appeals@buckscc.gov.uk

1. WHEN CAN I MAKE AN APPEAL FOR A SCHOOL PLACE?

You have the right to appeal when the school you prefer, and have listed as one of your preferences, has been refused by the Admission Authority. **When you have been refused the school place you will be able to request an appeal at this point only.**

MAIN ALLOCATIONS FOR SEPTEMBER 2016

Primary School Transfer Appeals for 2016/2017- (Year 3 upwards)

- This is when your child has been refused a place at a preferred school you named on your application form for transfer to primary school (Year 3 upwards) during the main allocation process for September 2016 admission.

YOU CANNOT APPEAL FOR A PLACE AT A SCHOOL WHICH IS NOT NAMED ON YOUR LIST OF PREFERRED SCHOOLS ON YOUR APPLICATION FORM.

IN-YEAR APPLICATIONS

This is when you would like your child to move schools within the academic year and have been refused admission to a preferred school. Examples of in-year applications include:

- When you would like to move your child from one school to Oxley Park Academy and have been refused admission to this school because it is full
OR
- You are moving into the area and have been refused admission to the school because it is full
OR
- Your child has a disability or an Educational Health Care Plan and you believe that they have been unlawfully refused a place at the school on this basis.

These in-year appeals must be heard within 30 school days of the appeal being lodged but we will try to arrange these sooner wherever possible.

2. HOW CAN I LODGE AN APPEAL?

Once you have been refused a place at Oxley Park Academy, please contact the school on appeals@oxleyparkacademy.com or telephone the office on 01908-503870 and they will send out an appeal form for you to fill in.

The green appeal form should be **returned to the Appeals Team at Buckinghamshire County Council within 20 school days of the notification date** (this can be found on the top right hand corner of the form). This is the date on which the Admission Authority notified you that the application for your preferred school was unsuccessful.

Please send your appeal form to The Appeals Team, Buckinghamshire County Council, County Hall, Walton Street, Aylesbury, Buckinghamshire, HP20 1UA.

IMPORTANT – DON'T MISS THE DEADLINE!

If your appeal form is not submitted by this deadline date then the Appeals Team cannot guarantee that your appeal will be heard in the first round of appeal hearings for that school. If the appeal form is returned late, it is quite possible that there will not be an appeal appointment available for the school until much later in the year.

If there is evidence that you wish the IAP to consider, it can be sent to the Appeals Team with your green appeal form or separately after returning your appeal form. You should not delay returning your appeal form until you have gathered all of the evidence on which you wish to rely. The Appeals Team will write to inform you of the deadline to submit any further evidence for the appeal.

Due to the large number of appeal forms received, the Appeals Team is not able to confirm receipt of the form or evidence over the telephone or collect forms in person from Reception at Buckinghamshire County Council's offices. However, the staff on Reception will be pleased to provide a receipt for any documentation left with them.

3. WHAT EVIDENCE DO I NEED TO PROVIDE FOR THE APPEAL?

IMPORTANT - EVIDENCE

It is the parent's responsibility to provide **ALL** the evidence for the child's case. The IAP does not have the power to contact schools or third party persons/agencies etc to discuss matters relating to the appeal for your child.

You should carefully consider the reasons why you want your child to attend the school. Please remember that when you come to appeal you are appealing for a school and not against another. You cannot submit any evidence after your appeal hearing has taken place so please make sure that you include all relevant evidence for your case.

You **must** provide your reasons for expressing a preference for the school and why you believe your case outweighs the Admission Authority's case that admission of an additional child would cause prejudice to the school.

Examples may relate to:

- Family circumstances
- Existing links with the school
- Medical reasons
- Different subjects offered by the school
- Transport

Please provide evidence in support of your reason/s within the deadline notified by the Appeals Team (see section 2) so that it can be sent to all other parties (i.e. the IAP members, clerk and Admission Authority) in good time ahead of your appeal.

IMPORTANT

It is **NOT** permissible for a representative of the school you are appealing for to accompany you to the hearing **OR** provide letters of support.

4. WHERE DO I SEND MY FORM AND EVIDENCE?

The appeal form and evidence must be posted to The Appeals Team, Buckinghamshire County Council, County Hall, Walton Street, Aylesbury, HP20 1UA. You can also email the form to the following address appeals@buckscc.gov.uk Alternatively, you can deliver the appeal form by hand to the Reception area of the offices of Buckinghamshire County Council at the above address.

When you send your evidence to the Appeals Team, please ensure that:

- The correct postage is used
- All documents are A4 in size (please reduce or enlarge any documents that are not A4)
- You do not fasten your documents by staples or treasury tags
- You do not place your documents in plastic or document wallets or binder/lever arch files
- You do not separate your documents by file dividers or by any other means
- You do not highlight any part of the document because the highlighted parts become unreadable.

The Appeals Team do not have the resources to copy any documentation in colour.

Please ensure the correct postage is attached, particularly when you send the appeal form to the Appeals Team in a large format envelope. Insufficient postage could result in a time delay for the appeal or even result in the form not being received.

Due to time constraints, and lack of appropriate facilities, there is no provision at any of our appeal hearing venues to make power-point, video or other audio/visual presentations.

5. I HAVE SUBMITTED MY FORM AND EVIDENCE – WHAT HAPPENS NOW?

The Appeals Team aims to acknowledge receipt of your appeal form within 7 working days. If you have not received an acknowledgement letter by this time, **please contact the Appeals Team.**

The acknowledgement letter will provide a **five-digit reference number**, which you must quote every time you contact the Team. If you have any further supporting evidence you wish to send, please clearly write your reference number on this.

When the Appeals Team notifies you of the date of the appeal, it will also tell you the date by which any further evidence on which you rely (and which you did not submit with your appeal form) must be received. The Team will also inform you that any information or evidence not submitted by the deadline might not be considered by the IAP at the appeal.

The Appeals Team will also ask you whether you intend to call any witnesses or be represented (by a friend or by a legal representative) at the hearing.

Before the appeal, the Appeals Team will send to you a copy of the Admission Authority's case, (including their reasons for refusing the application for admission), a copy of your own appeal form and supporting evidence, an Order of Business and a map of the venue. The Appeals Team aims to send this out 7 working days prior to the appeal, and all parties (i.e. you, the IAP, the clerk and the Admission Authority) receive exactly the same information.

IMPORTANT – RECEIPT OF FULL CASE

If you have not received your case papers within five days of your appeal date, please contact the Appeals Team on 01296-383384.

On receipt of your case papers, please ensure that all the evidence you submitted for your appeal has been included. If you have any queries, please call the Appeals Team immediately.

Certificates and school work submitted as part of the parent's case will not be circulated prior to the appeal hearing but will be available to the IAP for review at the appeal hearing. You may bring certificates and school work with you on the day of appeal.

You will be notified of the names of the clerk and the three IAP members that will hear the appeal. Please note that IAP members and clerks may be subject to last minute change.

The IAP members will read the case papers, which includes your appeal form and supporting evidence, in advance of the hearing. The IAP makes no decisions until it has heard the full appeal.

6. 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 the Appeals Team 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.

7. WHEN AND WHERE WILL THE APPEAL HEARING TAKE PLACE?

Appeals can take place at any time throughout the year as families move into the area and often find their preferred school full. Appeals do not normally take place during school holiday dates. Hearings are generally scheduled to start between 9.30am and 3.30pm on Mondays to Fridays.

The appeal will be at one of our suitable venues in Milton Keynes.

8. SHOULD I ATTEND THE APPEAL HEARING?

We strongly recommend that parents attend the hearing.

If you receive a date for your appeal that you are unable to attend, you may send a representative on your behalf. If you wish to do this, that person must have signed authorisation from you that they have permission to represent you at the hearing. A copy of the signed authorisation should be given to the clerk immediately before the appeal or sent to the Appeals Team in advance.

IMPORTANT – WITHDRAWING FROM APPEAL

If you wish to withdraw your 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 a parent does not wish to or finds that they cannot attend the appeal on the day, for whatever reason, the IAP members will make their decision based on the information available to them at the time. If you decide not to attend your hearing, please let the Appeal Team know in advance so the clerk does not telephone you on the day of your appeal and the IAP is not kept waiting for you to arrive.

9. I AM ATTENDING THE HEARING - WHAT IF I HAVE A SPECIAL NEED OR A DISABILITY?

Please let a member of the Appeals Team know if you are a disabled person who requires reasonable adjustments to be made in order for you to participate in the appeal (for example, please let the Team know if you need an accessible venue).

10. ENGLISH IS NOT MY FIRST LANGUAGE – I NEED AN INTERPRETER

If you need an interpreter, please let the Appeals Team know in good time so that one can be arranged. Alternatively if you prefer, you may arrange your own interpreter. You may also ask a friend or advisor to speak on your behalf.

11. HOW LONG WILL THE APPEAL HEARING LAST?

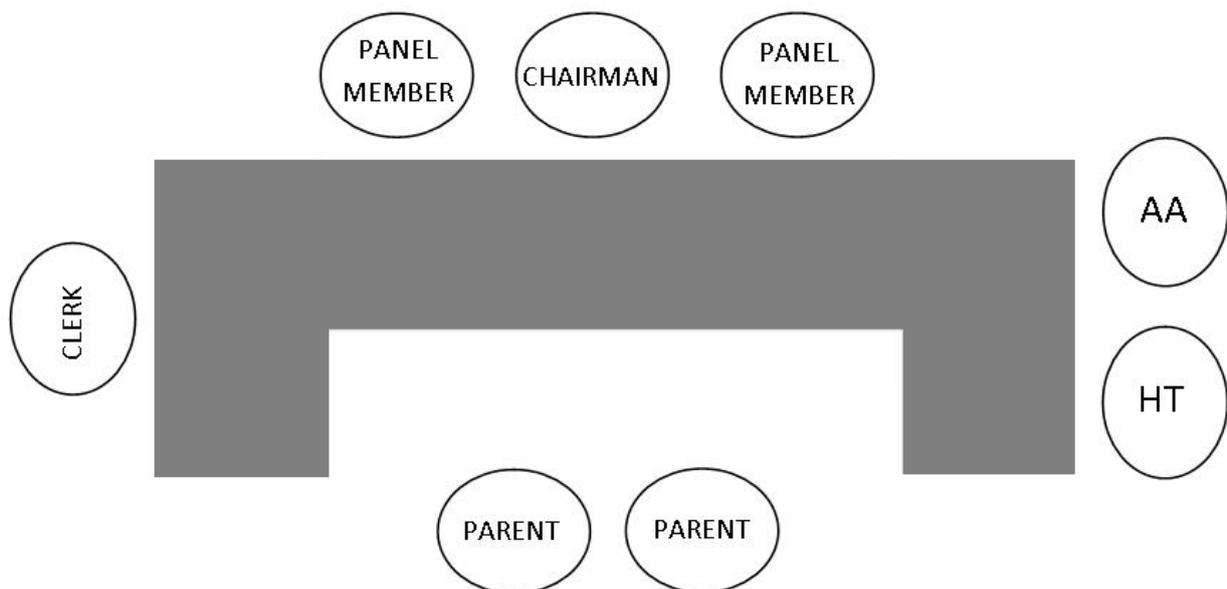
An appeal should last on average between twenty and thirty minutes and the hearings are scheduled accordingly. Therefore, when planning what you wish to say at your appeal hearing, please keep in mind your allocated time and please consider that there are other parents waiting to be heard after your appeal.

IMPORTANT – APPEAL TIMINGS

Delays are sometimes unavoidable and you should be aware that your appeal may start later than the scheduled time.

12. THE APPEAL HEARING

On arrival at the appeal venue, please report to Reception. The clerk will collect you when it is time for your appeal. When you arrive at the hearing venue, the layout in the room will be as below:



AA – Admission Authority Representative
HT – Headteacher or School Representative

The procedure will follow the Order of Business which you will receive with your case papers.

The IAP will firstly hear the Admission Authority's case and then your case for appeal.

The appeal can be organised in two different ways depending on the number of appeals for the preferred school.

If there are a number of appeals for your preferred school, ("Multiple Appeals") you will receive two different times to attend the appeal. At the Stage One group hearing, you and all other parents appealing for the school will hear the Admission Authority's case and have an opportunity to ask it questions. At the Stage Two part of the appeal, only you, the IAP, the clerk and the Admission Authority representative are present and you have the opportunity to present your individual case for appeal; and the IAP and Admission Authority representative may ask you some questions. The Stage One and Stage Two hearings may be on different dates. We recommend you attend both the Stage One and Two hearings.

Where you are the only parent appealing for the school, Stage One and Stage Two will take place during the same session.

Stage One: Case for the Admission Authority

At Stage One, the Admission Authority presents its case and the IAP has to consider a number of issues including whether:

- The school's published admission arrangements comply with the mandatory requirements of the School Admissions Code and the Schools Standards & Framework Act 1998
- The school's published arrangements were correctly and impartially applied
- To admit an additional child would cause the school 'prejudice to the provision of efficient education or the efficient use of resources'.

IMPORTANT – STAGE 1 OF THE APPEAL

At this stage of the appeal you can raise any issues or questions you have regarding the school's case.

If the IAP is satisfied that the admission criteria have been correctly applied and that the admission of an additional child would cause prejudice to the school, the IAP will proceed to Stage 2.

REMEMBER

It is not the role of the IAP to reassess the organisation or capacity of the school but it will consider the impact of admitting additional children in terms of the organisation and size of classes, availability of teaching staff and the effect on the children already at the school.

If the IAP identifies any unlawful admission criteria during its deliberations it must refer these immediately to the Local Authority and the Admission Authority.

Stage Two: The Balancing Stage

This is your individual hearing and your opportunity to tell the IAP your reasons for wanting your child to be admitted to Oxley Park Academy and why you believe these reasons outweigh the prejudice to the school. You need to show why you think that the impact on your child not attending the school is greater than the impact on the school of an additional child attending above their published admission number.

Once you have presented your case and no one has any further questions, you will then be given the opportunity to sum up and the appeal will conclude.

The Chairman will ask everyone if they have had time to say everything they 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 IAP must then balance the prejudice against the school against your case for your child to be admitted to the school and reach a decision on your appeal in accordance with the procedure set out in the School Admission Appeals Code (2012) which you are advised to read prior to attending your appeal. A copy of the School Admission Appeals Code can be found at www.gov.uk

The Admission Authority representative will not be able to discuss the appeal with parents or their representatives either before or after the hearing. Should you have any queries on the admissions process for the school, you should contact the Admissions Officer on admissions@oxleyparkacademy.com or telephone 01908 503870.

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

13. WHEN WILL THE DECISION OF THE IAP BE KNOWN?

The Appeals department will notify you by post of the decision made by the IAP within 5 school days of the appeal hearing.

In the case of multiple appeals for one school, the IAP will make their decisions when they have heard all the cases. It is at this point that parents will be notified of the decision for their child. Please note that this can be several weeks later.

IMPORTANT – DECISION NOTIFICATION

The Appeals Team can **ONLY** notify you of the decision by letter. They will not be able to give decisions over the telephone or via email.

14. WHAT HAPPENS IF THE APPEAL IS UNSUCCESSFUL

The decision of the IAP is legally binding on all parties, that being the parents, school and Admission Authority. However, where an appellant or Admission Authority is successful in applying for a Judicial review of that decision, the High Court may order a re-hearing of the appeal.

If you feel that your appeal has not been handled properly, you may lodge a complaint in the first instance to the Appeals Team, who will investigate your comments. You will usually receive an acknowledgement within 10 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.

If the Appeals Team considers that the appeal was held correctly and in line with the relevant law and guidance, you will be advised of this decision.

If a complaint is dismissed by the Appeals Team, you will need to make your complaint to the Education Funding Agency ("EFA"), who will investigate the complaint on behalf of the Secretary of State if it considers that there are sufficient grounds for doing so.

Contact details for the EFA can be found on page 12.

15. WHO IS THE EDUCATION FUNDING AGENCY ("EFA")?

The EFA carries out certain functions in relation to Academies on behalf of the Secretary of State. One such function is to consider complaints about IAPs for admissions to Academies. The EFA cannot review or overturn the decisions of IAPs. It can only consider whether panels were set up and acted in accordance with the School Admission Appeals Code.

The Appeals Team will be unable to enter into any further correspondence once a decision has been made by the EFA, even though the parent may still be dissatisfied.

16. USEFUL ADDRESSES

Enquiries about the contents of this book and the appeals process should be addressed to:	
The Appeals Team Buckinghamshire County Council County Offices Walton Street Aylesbury HP20 1UA.	Tel: 01296 383384 Email: appeals@buckscc.gov.uk
Enquiries about other aspects of admissions, and alternative school preferences should be addressed to the relevant Admission Authority:	
For Milton Keynes Maintained Schools; Milton Keynes Council Children and Families Saxon Court 502 Avebury Boulevard Milton Keynes MK9 3HS Tel: 01908 253338 Fax: 01296 383560 Email: schooladmissions@milton-keynes.gov.uk	For an Academy, Foundation or Voluntary-Aided School; The governing body of the relevant school Oxley Park Academy Redgrave Drive Oxley Park Milton Keynes MK4 4TA Tel: 01908 503870 Email: office@oxleyparkacademy.com Website: www.oxleyparkacademy.com
For complaints about Academy appeals:	
Education Funding Agency Admission Appeal Complaints Academies Central Unit Earlsden Park Butts Road Coventry CV1 3BH	Switchboard: 0370 000 2288 Email: academy.questions@education.gsi.gov.uk Website: www.education.gov.uk

Other useful addresses:

Coram Children's Legal Centre
Tel: 0845 345 4345
Website: www.childrenslegalcentre.com

The Equality and Human Rights
Commission Disability Helpline (England)
Freepost RRLG-GHUX-CTR
Arndale House
Arndale Centre
Manchester, M4 3AQ
Tel: 0845 604 6610 Fax: 0845 604 6630
Email: englandhelpline@equalityhumanrights.com
Website: www.equalityhumanrights.com

The current School Admission Appeals Code can be obtained from:

The Department for Education
Castle View House
East Lane
Runcorn
Cheshire
WA7 2GJ
Tel: 0370 000 2288
Website: www.gov.uk