



KINGSDALE 11-19 FOUNDATION SCHOOL

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Co-educational Academy of Advanced, Artistic and Academic Studies



GUIDANCE NOTES ON THE PROCEDURE FOR INDEPENDENT APPEALS AGAINST THE DECISION NOT TO ADMIT A CHILD TO KINGSDALE FOUNDATION SCHOOL IN YEAR 7 FOR SEPTEMBER 2019 UNDER THE SCHOOL STANDARDS & FRAMEWORK ACT 1988

If your child has been refused a place at Kingsdale Foundation School, under the School Standards & Framework Act 1998 you have the right to appeal against the decision to an Independent Appeals Panel.

Parents of children with a Statement of Special Educational Need or an Education, Health and Care Plan (EHCP) should contact either their home or Southwark Local Authority's Special Educational Needs Section (Tel: 020 7525 2721) for further advice on naming a School place.

If the Local Authority has made a mistake in dealing with your application

Kingsdale is required by the Department for Education (DfE), to take part in the Pan London Co-ordinated Admission Scheme. However, the School will not be held responsible for errors made by a Local Authority (LA). **The Fast Track Administrative Check procedure is intended to highlight any discrepancies between the School and a Local Authority so that errors can be addressed as soon as possible.**

If we discover that a mistake has been made and you should have been offered a place at Kingsdale Foundation School, we will advise the Local Authority that your child should be given a place at Kingsdale Foundation School as soon as possible if one is available or be placed at the top end of one or more of our waiting lists. In such circumstances, you may not have to go through the independent appeals process. The most expedient way of addressing any such possible mistakes is to use our Fast-Track Administrative Check (Form AA1) process. Please refer to separate guidance on this. **Using the Fast-Track procedure does not affect your statutory right of appeal. You are entitled to pursue a Fast-Track administrative check at the same time as a statutory independent appeal.**

INDEPENDENT APPEAL UNDER THE SCHOOL STANDARDS & FRAMEWORK ACT 1998.

If you wish to appeal against the decision not to admit your child to Kingsdale Foundation School you should return the completed Appeal Form AA2 to Ms E. Otubu, Admissions Officer, at Kingsdale Foundation School. You must state the reasons for your appeal on this form along with any supporting medical or professional documents you wish to be considered. Please contact the School immediately if you have not received confirmation of receipt within 5 working days of Appeal Form AA2 being delivered to the School.

A Parent/Guardian/Carer with Parental Authority who wishes to lodge an appeal under this framework must do so by **Friday 3rd May 2019.*

BEFORE THE APPEAL

Appellants will receive information from the clerk to the appeal panel, details of the date, time and place of their appeal hearing at least 14 days (10 working days) before the date of the appeal hearing.

It is important that appellants send the clerk copies of any documents or information they may wish to use in their case. Evidence can be submitted up to and including on the day of the hearing, but it is helpful to submit evidence in good time before your hearing. Appellants may be sent or given a copy of the School's case/evidence before their hearing as most appellants find this very helpful. However, this is optional and school correspondence does not need to be considered or read in advance of the hearing. The School reserves the right not to provide its case or evidence prior to a hearing. Please note that if appellants provide any new information too close to the hearing date which the appeal panel thinks may be of significance, the appeal panel may need to adjourn to allow all parties the opportunity to consider it or to reschedule the hearing for a different time.

Appellants will be invited by the clerk to attend the hearing in person and a friend or representative may accompany them. Appellants may also bring an interpreter if they need one. If appellants cannot attend their appeal hearing, the case will be considered on the basis of written submissions.

THE APPEAL HEARING

When will my appeal be heard?

The appeal hearings this year have been scheduled to commence during the week beginning Monday 17th June 2019.

A Group Appeal Hearing (Stage 1) will be held on **Monday 17th June 2019 at 7pm** for all appellants with Parental Authority who submit an appeal under the Framework by the published deadline.

Individual Appeal Hearings for appellants with Parental Authority who still wish to proceed with their Appeal (Stage 2) will be held from **Tuesday 18th June 2019.**

Every effort is made to hear appeals during the same period of time. Appeals are heard as quickly as possible and usually within 30 school days of confirmation of receipt of your Appeal Form AA2 or, after the published deadline to receive appeals this year [whichever is later].

What happens at an appeal hearing?

The chair of the panel will direct the appeals hearing and make sure that everyone present is treated fairly.

Both Kingsdale Foundation School and parents are given an opportunity to explain their case without being interrupted.

The proceedings, which will be as informal as possible, will normally be as follows:

- The Representative of Kingsdale will put forward the School's case
- Questioning by, or on behalf of, the Appellant and the Panel
- The Appellant's case to be presented
- Questioning by the School and the Panel
- The Representative of Kingsdale will sum up the School's case
- The case for the Appellant to be summed up

During this process members of the panel may ask questions at any time. The panel must consider the reasons why appellants would like their child to attend Kingsdale Foundation School and the admission arrangements of the School. Your child is entitled to be sent to the School of your preference unless admission would prejudice the efficient use of resources. Prejudice cannot be claimed unless the number of applications for places in that year group exceeds the School's standard number or the higher published admission number (if applicable).

The appeal must be considered in two stages in all cases where prejudice applies:

1. First stage – the factual stage at which the panel considers whether the School's published admissions arrangements:
 - (a) Comply with the Mandatory Requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998. **Please see Note 1 on Page 4.*
 - (b) Were correctly applied to your child's application and considers whether prejudice to the efficient education or efficient use of resources would arise were your child to be admitted. If this is proved the panel moves on to the second stage.

If the panel is satisfied that Kingsdale Foundation School has proved its case it will then move to Stage 2:

2. The balancing stage at which the panel exercises its discretion, balancing the degree of prejudice to the School against the case for your child being admitted to the School, before arriving at a decision.

MULTIPLE APPEALS

Where a School is very popular the panel may hear appeals from a number of parents individually who all wish their children to be admitted. To avoid injustice, if the panel is considering a large number of appeals about the School, it will not make a decision about an individual case until all parents involved in Stages 1 and 2 of the process have had a chance to put their case forward.

THE APPEAL PANEL AND APPEAL DECISION

The panel will consist of three people. One of these will be a person who has experience or knowledge of education or is a parent of a registered pupil. At least one other member will have none of these qualifications, and is known as a lay member. **The appeal panel will be independent of those who took the original decision.**

Panels cannot include members of staff or the governing body of Kingsdale Foundation School, staff at the local authority or anyone else who may not be sufficiently neutral in making a decision.

Reaching a decision

The appeal panel reaches a decision in private, by a majority vote, and it is binding on all parties.

The clerk will write to the parents and Kingsdale Foundation School to tell them the decision and give clear reasons for that decision. If the appeal has been upheld the School should let you know when your child can start at Kingsdale.

COMPLAINTS

If an appellant remains dissatisfied with the outcome of their appeal they can seek further advice. They may:

- Make a complaint to the Secretary of State for Education;
- Initiate proceedings in the High Court for a judicial review of the Appeal Panel's decision. In this event you will need to seek legal advice.

Note: Whilst these arrangements give appellants the right to appeal against decisions of non-admission, the School Standards & Framework Act 1998 does not give appellants the right to a place at a particular school.

Even if appellants are appealing for a place at their preferred school they should make arrangements with another school in case their appeal is unsuccessful.

Kingsdale Academy Funding Agreement was ratified by the Secretary of State on 1st November 2010 and includes the following amended extract:

Kingsdale Foundation School is a former maintained school with pre-existing partially selective admissions arrangements permitted by Section 100 of the School Standards and Framework Act 1998. As such it is permitted to maintain the proportion of selective admissions at the levels they were set in 1998 but not change these (unless it wishes to remove selection entirely). The School's partially selective proportions are that a maximum of 15% of the Admissions Number per year group will be designated for music or sport scholarships which qualify for entry to the school.

****Note 1***

Please be advised that following a referral to the Schools Adjudicator in 2011 Kingsdale Foundation School's Admissions Policy was deemed compliant with the Admissions Code of Practice. There is no right of appeal over a contemporaneous determination.

KINGSDALE FOUNDATION SCHOOL OVERSUBSCRIPTION CRITERIA

If there are more applicants than the number of places available the following oversubscription criteria will be applied:

The applicants who do not satisfy our scholarship criteria (see paragraph ii. below) will be placed in one of 3 ability bands according to their assessment score, including those with an Education, Health and Care Plan (EHCP) that names the School.

After places have been allocated to children with an EHCP that names the School in accordance with the Code of Practice, places within each band will be allocated in the following order of priority:

- i.* Children in public care (Looked After Children) or children who were Looked After but ceased to be so because they were adopted (or became subject to a residence or special guardianship order) i.e. Previously Looked After (see *Note 5*)
- ii.* Children who satisfy our scholarship criteria based on aptitude for music or sport i.e. 15% of admissions entry number. Please refer to paragraph 1.2 and scholarship oversubscription criteria (Appendix A) for more information
- iii.* Children who will have brothers or sisters attending the School at their time of entry (see *Note 6*)
- iv.* Children of members of staff where the member of staff has been employed permanently at the School for two or more years at the time at which the application for admission to the School is made and will still be employed by the School on the date of admission
- v.* Where professional evidence indicates that there are particular psychological, medical or social needs which the School's Learning Support Faculty agrees only Kingsdale has the capability of addressing or meeting and significant difficulties would arise were the applicant to attend a different school (see *Note 7*)
- vi.* Random allocation within each ability band. This process will be supervised by a person not employed by or independent of the School (see *Note 8*)

The School's full Admission Policy can be obtained on request or accessed via Kingsdale's website at www.kingsdalefoundationschool.org.uk



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APPELLANT'S INDEPENDENT APPEAL AGAINST THE DECISION NOT TO ADMIT A CHILD TO KINGSDALE FOUNDATION SCHOOL IN YEAR 7 FOR SEPTEMBER 2019 UNDER THE SCHOOL STANDARDS & FRAMEWORK ACT 1998

This form should be completed in black type or ink and sent to Ms E Otubu, Admissions Officer, at the above address or to admissionsenquires@kingsdale.southwark.sch.uk by **Friday 3rd May 2019**.

Please read the guidance notes carefully before completing this form.

Child's last name		Child's first name	
Date of birth		Male/Female	
Address			
Post Code		Email Address	
Telephone – Home		Telephone – Work/Mobile	
Name and address of current or last school attended			
Please give details of any brothers or sisters already attending Kingsdale Foundation School			
Name of brother/sister	Date of birth	Year Group	
*Have you been offered a place at a School you selected as a higher preference to Kingsdale on your Common Application Form (CAF)	Yes		No
If the answer to the above question is Yes, please state the name of the School			
<i>Please refer to Kingsdale Foundation School's Admissions Oversubscription Criteria before responding to the question below.</i>			
I wish to appeal against the decision not to offer my child a place at Kingsdale Foundation School because:-			
<i>Continue overleaf if necessary</i>			

*Tick/complete as appropriate and continue on a separate sheet if necessary.

Continued/...

Continue overleaf if necessary

*Tick/complete as appropriate and continue on a separate sheet if necessary.

Continued/...

Continue overleaf if necessary.

If you are appealing for a place in another School, please name the School(s) concerned and the date of appeal:

*Do you need an interpreter?	Yes		No	
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If yes, which language?

*Do you need disability access (i.e. access to a lift)	Yes		No	
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***Please give any date/s on which you will NOT be able to attend a hearing**

Name of appellant with Parental Responsibility			
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Signature of appellant		Date	
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