SECAT

SHOEBURYNESS HIGH SCHOOL

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School Admission Appeals (for Shoeburyness High School)

Guidance for parents / carers

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Southend East Community Academy Trust is a company registered in England and Wales 07825856 Registered Office: SECAT House Delaware Road, Shoeburyness, Essex, SS3 9NP

Introduction

This booklet tells you what will happen if you are refused a place for your child to attend Shoeburyness High School.

Shoeburyness High School is an academy school part of the South East Community Academy Trust. As per the School Admissions Appeals Code (2012) the admission authorities of Academies may ask another body, e.g. the local authority, to carry out some or all of their admissions functions on their behalf. However, the admission authority remains responsible for ensuring those functions are carried out properly. Shoeburyness High School and the local authority, Southend-on-Sea City Council, work together to arrange school admission appeals.

Please note that any reference to "parent" in this booklet refers to whoever has parental responsibility for the child.

We hope that most of the questions and answers are self-explanatory. If, however, you require any clarification or help please contact us:

Admissions Department
Shoeburyness High School
Caulfield Road
Shoeburyness
Essex.
SS3 9LL

www.shoeburyness.secat.co.uk

E-mail: admissions@shoeburyness.secat.co.uk

What legislation relates to school admissions and appeals?

The School Admission Appeals Code (2022) which has been issued under section 84 of the School Standards and Framework Act 1998 (SSFA).

When did this code come into force?

The code came into force on 1st October 2022 and applies to all appeals lodged on or after that date.

For what reasons can an admission authority refuse an application for a school place?

Admission authorities must comply with a parental preference except in certain limited circumstances namely:

- compliance with the preference would prejudice the provision of efficient education or the efficient use of resources.
- admission would be incompatible with co-ordinated admission arrangements which have been approved by the Secretary of State and co-ordinated by Southend-on-Sea City Council.
- where to admit would be incompatible with the duty to meet class size limits.

The school Standards and Framework Act 1998 lays out that prejudice will only arise if the number of pupils in the relevant year group exceeds the admission number. The relevant age group is defined in law as 'age group in which pupils are or will normally be admitted to the school in question'.

In addition to the above, in exceptional circumstances an admission authority may decide to refuse to admit a child with challenging behaviour although there are places available in the school. This will only normally be appropriate where a school has a particularly high proportion of pupils with challenging behaviour or previously excluded children. In these cases, the school governing body must refer the case to the Local Authority for action under the Fair Access Protocol.

If I am refused a place at my preferred school how do I appeal?

If you are refused a place at any school you indicated as a preference, you have the right to appeal against the decision to an independent admission appeals panel (IAP).

In considering whether to appeal you should refer to the Council's Secondary School Admissions Booklet which will give you information regarding admissions during the previous academic year. This information will include:

- the admission limit for the school;
- the number of preferences received for admission;
- the number of places offered;
- the number of appeals lodged;
- the number of appeals heard;

- the number of appeals upheld;
- the admissions criteria of the last child admitted

Please consider carefully all relevant information before you decide to appeal. Even if you are intending to appeal we always advise parents to accept any place currently being offered. Accepting a place does not prevent you appealing for a place at your preferred school. Often parents are not successful in their appeal and accepting any place offered gives you the security of a school place.

How quickly do I need to appeal?

Once you have been notified that your application has been refused you will need to submit your appeal within 20 school days.

What forms will I need to complete?

A Notice of Appeal for Shoeburyness High School form should be completed and returned to the school. Forms are available from school reception or may be downloaded from www.shoeburyness.secat.co.uk

All appeal forms received regarding appeals for places at Shoeburyness High School will be acknowledged.

What is the purpose of the Notice of Appeal form?

The purpose of the appeal form is to ensure, as far as possible, that all the relevant facts are available to the panel and to give you a chance to explain, in your own words, the case you wish to make. The law requires that the grounds for the appeal must be set out in writing. It may be that you have already expressed your reasons for wanting a place at your preferred school following previous correspondence with the admission authority, in which case you may refer to that correspondence and ask that copies be circulated to the panel members. Prior to the hearing the appeal panel will be given a copy of the admissions authority's case for refusing your preference and a copy of all papers you have presented as your case. Both you and the presenting officer will also be sent a copy of all the papers sent to the appeal panel.

Once I have submitted my appeal form how quickly will the hearing take place?

All appeals must be heard within the following timescales:

- primary and secondary admissions – for applications made in the normal admissions round appeals must be heard within 40 school days of the deadline for lodging appeals;
- for late applications – appeals should be heard within 40 school days from the deadline for lodging appeals where possible or within 30 school days of the appeal being lodged
- for applications to sixth forms, appeals must not be heard before confirmation of the exam results on which the offer of a place depends. They must be heard within 30 school days of being lodged. Where the offer of a place is not dependent upon exam results, appeals must be heard within 40 school days of the deadline for lodging appeals;

- for applications for in-year admissions, appeals must be heard within 30 school days of the appeal being lodged;
- appeals submitted after the deadline must still be heard, but this can be done to a timescale published by the admission authority.

The term 'school days' refers to the days in a school term when pupils are required to attend.

In Southend, Independent Appeal Panel hearings are not held during the school holiday periods.

How will I be told about the hearing?

Parents must receive written notice of the date their appeal will be heard at least 10 school days in advance of the hearing (unless they have indicated on the appeal form that shorter notice is acceptable). Where a parent fails or is unable to attend the hearing and it is impractical to offer an alternative date the panel may decide to go ahead with the appeal and make a decision on the written information submitted.

Who will actually hear my appeal?

In Southend appeals panels generally consist of 3 members. The admission authority, or the clerk acting on behalf of the admission authority, must appoint an independent appeal panel that is comprised of a chair and at least two other panel members. A panel must consist of the following persons with at least one from each category:
a) lay people (someone without personal experience in the management of any school or provision of education in any school (except as a school governor or in another voluntary capacity));
b) people who have experience in education, who are acquainted with educational conditions in the local authority area, or who are parents of registered pupils at school.

Are any people disqualified from membership of an appeal panel?

The following people are disqualified from membership of an appeal panel:
a) a member of the local authority which is the admission authority or in whose area the school in question is located;
b) a member or former member of the governing body of the school in question;
c) employed by the local authority or governing body of the school in question other than as a teacher or teaching assistant;
d) any person who has, or at any time has had, any connection with the authority, school or any person in sub-paragraph c) above which might reasonably be taken to raise doubts about that person's ability to act impartially;
e) any person who has not attended training required by the admission authority arranging the appeal panel.

Where will the appeal be heard?

The clerk to the appeal panel will let you know when and where the hearing will be held. Venues for appeal hearings should be accessible to all appellants and have a suitable area

for appellants and presenting officers to wait separately from the panel before and between appeals. Hearings may also be held online.

Do I have to attend the hearing?

Parents should make every effort to attend so that they can explain their case in person. You can however elect not to appear in person and to have your appeal considered on the basis of your written evidence only. If this is your intention, you should indicate this at section 14(a) of the Notice of Appeal form.

If you indicate on the Notice of Appeal form that you wish to attend the meeting of the panel but then, having failed to give a reasonable explanation do not do so, the appeal panel will proceed in your absence and make their decision on the basis of your written case.

Can I bring someone with me to the hearing?

You may, if you wish, bring with you a friend or representative. The idea of having a friend is that you may feel more at ease with this support when putting forward your views. If this is your wish, please show the name of the person at section 5 of the Notice of Appeal form and indicate whether they are supporting or representing you in a legal capacity e.g. a solicitor.

If you decide to be legally represented, the school may wish to be similarly represented and hence the need to know your intentions. If it transpires at the hearing that you are legally represented without prior notice being given, the presenting officer will be asked if the school also wishes to be so represented and this is likely to lead to an adjournment of the hearing. The Secretary of State has said that he expects that legal representation will seldom be necessary or appropriate. If you are legally represented you will, of course, be responsible for any costs you may incur.

If you are disabled or need an interpreter to help you at the hearing please ensure you complete section 6 of the appeal form.

What is the role of the presenting officer at the hearing?

The presenting officer will generally not be contesting the circumstances of your case. They will be attempting to satisfy the panel that the admission authority has filled the available places at Shoeburyness High School in accordance with the published admission criteria and that the number of places it has filled has achieved the annual admission limit to ensure efficient use of resources and the provision of efficient education. It is for you to explain to the panel why you feel that the admission of your child should be allowed. This procedure may sound somewhat complicated but it is the intention that appeals panel hearings will be conducted in as informal an atmosphere as possible with every opportunity for questioning and discussion of issues.

What will be the procedure on the day of the hearing?

If the hearing is held in person (as previously mentioned it may be held online), when you arrive at the place where the hearing will take place and the panel is ready to hear your case the clerk will take you and the presenting officer to the room where the panel is meeting; the chair of the panel will introduce the panel members and the clerk. The procedure will then normally be:

1. the case for Shoeburyness High School;
2. questions by the panel;
3. questions by the appellant;
4. the case for the appellant;
5. questions by the panel;
6. questions by Shoeburyness High School;
7. summing up by Shoeburyness High School;
8. summing up by the appellant.

Once this procedure has been completed you and / or your representative and the presenting officer will leave the room.

If there are a number of appeals for the same year group at the same school are the procedures the same?

Where there are a number of appeals for the same year group the school will probably decide to arrange these as grouped appeals. In this case all of the appellants are invited to a meeting and the school's presenting officer will present the case in respect of the school once to all those present. The panel members, all of the appellants and any representatives who may be attending with them are then able to question the case presented by the school.

Once this process has been completed you will then be invited to a separate meeting of the appeal panel at which you will have the opportunity to present your individual reasons for wanting a place at Shoeburyness High School. At your individual hearing you will not be able to question the school's case again.

Should I bring my child(ren) to the hearing?

No, the panel does not need to meet or see the child(ren) and there are no facilities available for looking after child(ren).

Will the panel take into account my child's position on the waiting list for the school of my choice?

When hearing appeals, panels must not take into account where the child is on the waiting list or of the fact that appeals have or have not been made in respect of other children on the waiting list. In addition, when making decisions on appeals, panels must not determine where a child should be placed on any waiting list.

What decisions can the appeal panel make?

The panel must either uphold or reject an appeal. It must not uphold an appeal subject to any specified conditions.

The School Standards & Framework Act and the Admissions Code confirm that a panel's decision that a child shall be admitted to a school is binding.

When will I be informed of the decision?

The appeal panel must communicate the decision of every appeal, including the reasons for that decision, in writing to the parents and the admission authority. If your appeal is one of a number for the same school, the panel will not make decisions until all of the appeals have been heard. The clerk or chair must sign the decision letter and send it to the parties as soon as possible after the hearing but not later than five school days, unless there is good reason.

What will the decision letter tell me?

The decision letter must contain a summary of relevant factors that were raised by the parties and considered by the panel. It must also give clear reasons for the panel's decision, including how and why any issues of fact or law were decided by the panel during the hearing.

If my appeal is turned down when can I appeal again?

Appellants do not have the right to a second appeal in respect of the same school for the same academic year unless, in exceptional circumstances, the admission authority has accepted a second application from the appellant because of a significant and material change in the circumstances of the parent, child or school but still refused admission.

If a second appeal is granted the panel must be made up of different members from the first.

Appellants may apply for a place in the same school in respect of a later academic year and will have a further right of appeal if that application is unsuccessful.

If I feel there was maladministration by the panel in the way they dealt with my case who should I contact?

The Education Funding Agency (EFA) is the Government Agency responsible for investigating complaints about Academy panels. EFA can only investigate complaints about panels that did not follow the procedures set out in the School Admission Appeals Code 2012 (the 'Appeals Code'). The fact sheet is attached to paper copies of this document or can be downloaded from our website for further information.

Can anyone else provide me with further independent advice about admission appeals?

The Advisory Centre for Education (ACE), a long established independent national charity provides advice to parents on educational issues. ACE may be contacted at:

Advisory Centre for Education (ACE), The Busworks, United House, North Road, London N7 9DP

General advice line 0808 800 5793

The ACE information leaflet "Appealing for a school" may be downloaded from the website www.ace-ed.org.uk

Glossary of abbreviations and terms

Academy - are state-funded, non fee-paying independent schools set up under a funding agreement between the Secretary of State and the proprietor of an Academy (most commonly, and hereafter, referred to as an Academy Trust). Academies are required by their funding agreements to comply with the Code and the law relating to admissions, though the Secretary of State has the power to vary this requirement where there is demonstrable need.

Admission authority - The official body that decides how pupils will be admitted to a school.

Community schools – schools wholly funded by the Council, where the Council employs the staff and is the admissions authority.

Council – Southend-on-Sea City Council who are the Local Authority. In most cases the function of the Council will be undertaken by the School Admissions Team within the Department for People.

Department for Education - a central government department responsible for education matters.

Foundation schools – schools funded by the Council where the governing body employs the staff and is the admissions authority.

Governing Body – Community schools - a group of individuals who are responsible for promoting high standards of educational attainment, the conduct of the school and managing the school budget.

Governing Body – Academies, Foundation and Voluntary Aided schools - a group of individuals who are responsible for the school admission arrangements, promoting high standards of educational attainment, the conduct of the school and managing the school budget.

Independent appeal panel - A group of 3 or 5 people who decide whether a child that has already been turned down for a school place by the admission authority should be given a place.

Normal round of admissions - Under the Southend Co-ordinated Admissions Scheme, the normal round of admissions refers to admissions to Reception, year 3 and year 7 up to the end of the first week of the autumn term.

Voluntary Aided schools – schools set up and owned by a voluntary body, usually a church body, largely financed by the Council. The governing body employs the staff and is the admissions authority.