

City of London Academy (Southwark)

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GUIDANCE NOTES ON THE PROCEDURE FOR APPEALS AGAINST THE DECISION NOT TO ADMIT A CHILD TO THE ACADEMY

If your child has been refused a place at the City of London Academy, under the School Standards & Framework Act 1998, you have the right to appeal against the decision.

Parents of children with a statement of Special Educational Need should contact the Special Educational Needs Section for further advice on naming a school place (telephone 0207 525-2721)

If you wish to appeal against a decision made as to which school your child should attend, you should return the completed AC1 Appeal Form to Judi Allbury at the City of London Academy and not to the Department for Education. You must state the reasons for your appeal on this form along with any supporting medical or professional documents and **it must be returned no later than Friday 29th March.**

BEFORE THE APPEAL

You will receive information from the Clerk to the Panel, details of the date, time and place of your appeal hearing at least 14 days (10 working days) before the date of the appeal hearing.

It is important that you send the Academy copies of any documents or information you may wish to use in your case at least 7 days before the hearing or the Panel may not be able to consider it. You will be sent the Academy's statement of the reasons why your child was not offered a place about 7 days (5 working days) before the hearing.

You will be invited by the Clerk to attend the hearing in person and a friend or representative may accompany you if the Panel agrees. You may also bring an interpreter if you need one. It is not normally necessary or appropriate to bring your child to the hearing. If you cannot attend, your appeal will be considered on the written submission you have made.

THE APPEAL HEARING

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

representative of the Academy will put forward its case

You will have an opportunity to question the Academy's representative

You present your case

The Academy will have the opportunity to ask you questions

The representative of the Academy will sum up the Academy's case

You will sum up your case



During this time members of the Panel may ask questions at any time. The Panel must consider the reasons why you would like your child to attend that particular 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 education at the school and 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).

Decision making by the Panel

At stage one of the appeal the Panel need to be satisfied that the admission arrangements were properly applied and did not contravene the mandatory provisions of the School Admissions Code.

The Appeal Panel will also need to decide whether the Governors/Admission Authority's duty to offer your child a place at the preferred school does not apply by virtue of Section 86 (3) of the School Standards and Framework Act

1998 i.e. that such an offer would prejudice the provision of efficient education or the efficient use of resources.

If they are NOT satisfied at this stage and your child was wrongly denied a place at the school they will allow your appeal, unless a number of children would have been offered a place and the school cannot admit that number without serious prejudice.

If they ARE satisfied they must then balance the Governors/Admission Authority's case against your preference and decide which should prevail. This will involve consideration of the reasons given for your appeal and the published admission arrangements. They will need to consider the consequences for the school of complying with your preference and how serious they would be. They will need to balance these conflicting factors and reach a decision.

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 student. At least one other member will have none of these qualification, and is known as a lay member. **The Appeal Panel will be independent of those who took the original decision.** The decision of the Panel will be made on a simple majority and is binding on the Academy. The Clerk to the Appeal Panel is also independent and advises the Panel on procedure and law, but does not take part in the decision making process of the Panel.

COMPLAINTS

If you remain dissatisfied with the outcome of your appeal, you can seek further advice. You may:

Complain to the Education Funding Agency alleging maladministration of the appeals procedure. Initiate proceedings in the High Court for a judicial review of the appeal Panels' decision. In this event, you will need to seek legal advice.

NOTE: WHILE THESE ARRANGEMENTS GIVE YOU THE RIGHT TO APPEAL AGAINST DECISIONS OF NON-ADMISSION, THE SCHOOL STANDARDS & FRAMEWORK ACT 1998 DOES NOT GIVE YOU THE RIGHT TO A PLACE AT A PARTICULAR SCHOOL.

EVEN IF YOU ARE APPEALING FOR A PLACE AT YOUR PREFERRED SCHOOL YOU SHOULD MAKE ARRANGEMENTS WITH ANOTHER SCHOOL IN CASE YOUR APPEAL IS UNSUCCESSFUL.