

review your application. Was the published admission criteria correctly applied? Did the Governors use the correct Kent Test score? Or was there any form of maladministration?

The panel will then invite you to present your case. [There is no magic formula for winning Grammar School appeals](#). Your role is to persuade the panel by means of strong and overwhelming evidence or mitigating circumstances, that your child would suffer greater prejudice by not being offered a place, than the school would face by accepting an additional child. This is a difficult task and the threshold at this balancing stage is high.

Ensure that you arrive at least 10 minutes before your appointed time. Parents are encouraged to come prepared. Be positive. It is suggested that you offer the panel 5 or 6 strong salient points which you are able to corroborate with written evidence. If you are accompanied by a "witness", dovetail their contribution into the points you wish the panel to consider. Just a reminder: any additional evidence must be submitted at least 5 working days before your hearing.

The way you deliver your case is entirely up to you. The panel will be keen to hear what you have to say, but consider how you would feel as a panel member if you gave a long prepared speech or reeled off copious facts and figures. Be focused and to the point.

As you are appealing for a Grammar School, you will need to focus your case on academic ability and why your child would benefit from a Grammar education. The full order of proceedings will be sent to you before the hearing in the letter of invitation.

#### ✓ Who are the panel members?

The three member trained panel are volunteers and totally independent of the school and the Local Authority. Some have direct experience in education, others are known as lay members. The panel has the services of a Clerk who is more than just a note-taker, he or she can offer the panel legal or procedural advice. The names of the 3 panel members are published on the letter of invitation to the hearings. In the unlikely event that you know a panel member, you **must** inform the Clerk immediately.

#### ✓ How will the panel make their decision?

During their deliberation, the panel will consider your case against section 3.13 of the appeals code.

*Where a local review process has not been applied, the panel must only uphold the appeal if it is satisfied:*

*i) that there is evidence to demonstrate that the child is of the required academic standards, for example, school reports giving Year 5/Year 6 SAT results or a letter of support from their current or previous school clearly indicating why the child is considered to be of grammar school ability; and*

*ii) where applicable, that the appellant's arguments outweigh the admission authority's case that admission of additional children would cause prejudice.*

The panel must not devise its own methods to assess suitability

for a grammar school place unrelated to the evidence provided for the hearing. [That is why your evidence is crucial](#).

Assuming the panel accept the case for the school, the panel then exercises its discretion, using sections 3.8 to 3.10 of the appeals code, to balance the degree of prejudice to the school against the parents' case for their child being admitted. The panel must not compare the individual cases when deciding whether an appellant's case outweighs the prejudice to the school. However, where the panel finds there are more cases which outweigh prejudice than the school can admit, it must then compare the cases and uphold those with the strongest case for admission.

During the deliberation only the three panel members vote and make decisions. The Clerk remains to record and advise the law. The Governors' representative is not present during this process.

#### ✓ When will I hear the result?



Where possible, the decision together with the panel's reasons will be posted to you and the school in writing by the Clerk within five school days after **all** the appeals for your preferred school have been heard. It is not possible to e mail letters. The panel's decision is binding on the school and the parent.

#### ✓ What happens if I decide not to attend the hearing?

If you decide not to attend the hearing, the panel will consider the appeal on the basis of the written information available. Your appeal is considered in the same way as all other appeals and some parents prefer not to attend.

If you do not attend the stage 1 hearing, you may still attend your stage 2 hearing. Irrespective of whether you attended stage 1 or not, matters apertaining to stage 1 **cannot** be discussed at the stage 2 hearing.

#### ✓ Can I appeal against this decision?

No. But, if you think that the appeal has not been conducted according to the appeals' code, you can complain to the Local Government Ombudsman. [He cannot review or overturn the panel's decision](#). However, if he believes that you have been disadvantaged by the appeal process, he may allow another hearing with a different panel and Clerk. [www.lgo.org.uk](http://www.lgo.org.uk)

#### ✓ Where can I get further information and advice?

The appeals' code allows for the Clerk to give you independent generic advice regarding the appeal process. In the first instance you should e-mail the Clerk, who will respond accordingly. (see contact details on the front of this leaflet)

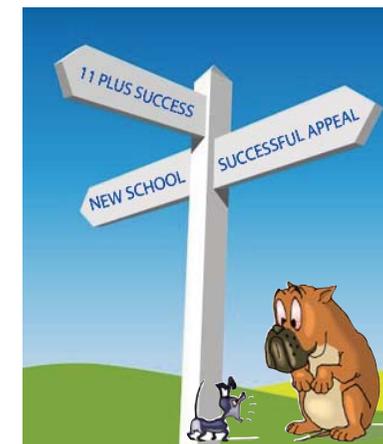
Additionally, CORAM a children's legal charity, which has government funding, can also offer generic advice. Tel: 08088 020 008. Mon-Fri 8am-8pm. They produce a booklet that can be downloaded from their website.

[www.childrenslegalcentre.com/userfiles/School%20admissions%20appeals\(1\).pdf](http://www.childrenslegalcentre.com/userfiles/School%20admissions%20appeals(1).pdf)

# Admission Appeals

## A Guide for parents and carers

### Grammar Schools



Clerk to the Independent Appeals Panel

PO Box 367

Cuffley

Hertfordshire, EN6 4JE

Fax: 0844 4431813

E Mail: [clerk@educationappeals.com](mailto:clerk@educationappeals.com)



## ✓ Your right to appeal

If your child has been refused a place at the school of your preference, you have the right to appeal against the decision of the Admission Authority, which in this case is the Governing Body of the school. The right to appeal is given under section 94 of the School Standards & Framework Act 1998.



These notes apply to the appeals for year group 7 to 11 in Grammar Schools which select by rank ordering the PESE score.

## ✓ What is an appeal panel?

The panel that will hear your appeal is independent of the school, its Governing Body and the Local Authority. It consists of three people who are familiar with education in the area, who are served by a Clerk and possibly an assistant. The hearings are conducted in accordance with the law following a procedure set out in the appeals' code. The current code was issued by the Secretary of State in 2012. The panel makes every effort to ensure that the proceedings are as informal as possible and you have the opportunity to explain the reasons for your appeal in your own way and to ask questions.

## ✓ When will my appeal be heard?

Schools publish the dates for secondary transfer appeal hearings on their websites by 28 February of each year. For mid-term appeals, your appeal will be heard within 30 school days after your appeal has been lodged.

Ten school days before the hearing, you will be told where and when your appeal will be heard. In most cases the stage 1 and stage 2 hearings are held on different days. The letter from the Clerk will include a statement from the Governors setting out the reasons why they could not offer your child a place at your preferred school. The envelope will also include a copy of your appeal form and any other documents which you have submitted. Please bring all these papers with you to the hearing as they will help you understand what the Governing Body's representative is saying. Any additional papers **must** be received by the Clerk at least 5 working days before the hearing.

\*You have applied for a place at a school which would have considered your application using the score your child attained in the Kent Test. This mark will be known to the panel.

## What sort of evidence should I present?

✓ You will need to present strong and overwhelming evidence to the panel to demonstrate that your child has the ability to benefit from a Grammar School education. The evidence must



prove high academic ability and may also include proof of mitigating circumstances

Additionally, there will be some parents appealing whose child did attain the required score, but lived too far away under the tiebreaker. In these cases, parents will have to demonstrate

factors other than ability which prove that this school is the ONLY school that can meet the needs of their child. You may wish to review section 3.9 of the admission appeals' code. [www.education.gov.uk](http://www.education.gov.uk)

The most ready source of information about your child's ability is likely to be their current school. You will need to ask whether the school will feel able to support your appeal and what evidence they will be able to produce to substantiate this. **You need to act now; letters can take time.**

You may wish to ask the Headteacher, class teacher or other professional to comment on:

- Ability in the core subjects, English, Mathematics and Science including the predicted KS2 SATS level and current Teacher Assessment Level;
- Qualities of perseverance, application and ability to work independently;
- Attendance, health, etc. which may have adversely affected the child's overall performance in the tests;
- Whether they are aware of anything on the day of the test which would have adversely affected your child's performance in the test;
- Whether they think that the child's score in the test accurately reflects their ability and if not what score they would have expected the child to achieve and why.

## Academic evidence could include:

- ✓ Good scores in curriculum tests, high teacher assessments in core subjects and good predicted scores for KS2 SATS tests. The more specific the teacher can be, the better, e.g. if your child is working at Level 5a in Maths this will be stronger than simply saying your child is at Level 5.
- ✓ Good previous school reports especially if they detail National Curriculum attainment levels or talk of high ability.
- ✓ A high reading age, if the school carries out reading age testing.
- ✓ High CATS test scores, if the current school carries out any of these tests.
- ✓ Strongly expressed opinion from the Headteacher that your child has the ability to cope and succeed with the fast track environment at a Grammar school.

## Academic evidence would not include:

- ✗ Letters about how good your child is at extra-curricular activities or hobbies unless they have a clear academic focus.
- ✗ Letters about community spirit, fund raising activities, leadership qualities or excellent behaviour.
- ✗ The fact that your child was not tutored for the tests.
- ✗ Social or medical reasons, unless they had an impact on recent Academic performance.



## ✓ Lower than expected mark - mitigating circumstances:

The panel will be looking for **strong** and **overwhelming** extenuating circumstances which are sufficient to explain the shortfall in marks.

- ✓ Documentary evidence from an appropriate person outside the family who can substantiate how your child was affected will gain more "weight" than a statement on your appeal form.
- ✓ The death of a family member the night before the test, who lived in the same household, will gain more "weight" than a distant relative who lived in Scotland and died 3 months ago. **All evidence needs to be corroborated.**
- ✗ The fact that your child's pet hamster died the morning of the test is unlikely to attract much weight.

Evidence should be submitted at the time of your appeal being lodged. Additional evidence must be submitted to the Clerk any time up until 5 working days before the stage 1 hearing.

## ✓ Am I wasting my time appealing?

No, appeals for places in Grammar schools are successful. But you must present a strong case, backed by overwhelming and corroborative evidence which clearly demonstrates that your child has the same academic ability of those who have already been offered a place **AND** in the panel's view, the addition of your child will not prejudice efficient education and use of resources.

## ✓ What happens at Stage 1

This will normally be heard in the evening with all other parents who are also appealing. It usually takes about 2 hours. This is the stage where the Governors' representative puts their case that they applied the published admission criteria and cannot accept anymore pupils into the year group. The appeals code allows the school to argue that they cannot go above their published admission number (PAN) as this would prejudice the efficient use of education and resources at the school for the reasons set out in their statement, which will be sent to you prior to the hearing. After the school has presented its case, the panel will ask questions and then the Chairman will invite parents to pose questions to the school. At the end of this part of the hearing, the panel will adjourn and consider the school's case. Parents are welcome to remain to hear if the panel has accepted the case for the school.

At this stage, the code does not allow you to ask questions particular to your child.

For mid-term appeals, stage 1 and stage 2 are held on the same day.

## ✓ What happens at Stage 2

The stage 2 part of your hearing is held on the days following the stage 1 process and in private. On average, stage 2 takes around 20 minutes; some take longer, other less. Please bear in mind the panel are looking for quality of argument and not necessarily quantity.

At this stage, the panel will

