

John Port Spencer Academy



Admissions Appeals Guidance

Introduction

If your child has been refused a place at John Port Spencer Academy you have the right to appeal against that decision. Before deciding whether or not to appeal against this decision, you are advised to think about:

- The academy policy for admitting students (published in the Admissions Section of the academy website).
- Your reasons for wanting your child to attend the academy and the strength of your case.

Making an Appeal

If you decide to appeal against the decision, you should either complete a form obtained from Derbyshire County Council and send it to John Port Spencer Academy or, alternatively, complete the form online at www.derbyshire.gov.uk/admissions. The Admissions and Appeals Team will then forward your appeal to the academy.

Whichever method you choose, forms for decisions notified on 1st March 2019 must be returned by 28th March 2019 and forms for decisions notified after that date within 20 school days of receiving notification that the application was unsuccessful. If your form is not returned in time, it might not be possible for your appeal to be heard at the same time as the appeals of parents whose forms were returned by the deadline.

The following notes may help you in completing the appeal form:

You should set out all the reasons for your appeal. You should think carefully about the original reasons you gave for wanting your child to attend the academy and you can add more information if you want. It is important to reflect the views of your child in your submission.

You should include with the appeal form copies of any documents, information and evidence you wish the Panel to consider in support of your case. Any further evidence should be sent to the Clerk to the Panel c/o Academy Admissions at John Port Spencer Academy, no later than seven days before the hearing. Information or evidence not submitted by the deadline might not be considered at the appeal. Written material and evidence must have been seen by all parties, so if it hasn't been sent to the Clerk in time to be included with the hearing papers the Panel must decide whether to consider it, taking into account its significance and the effect of a possible need to adjourn the hearing.

Before the Appeal Hearing

Appeal hearings for decisions notified on 1st March 2019 should be held within 40 academy days of the deadline for lodging appeals and for in-year admissions within 30 academy days of lodging the appeal. You will receive written notification of the date and arrangements for the hearing from the Clerk to the Appeal Panel, at least 10 school days before the hearing, unless you have agreed to a shorter notice period.

Before the hearing the Clerk will send you and the Panel members copies of all the papers required for the hearing, including a written statement of how the academy's admission policy has been applied in your child's case, the reasons for the admission authority's decision to refuse your child a place at John Port Spencer Academy, a copy of your appeal form and any additional information or evidence you have sent.

The Appeal Panel

The Panel which hears parents' appeals comprises of a chair and at least two other members, and must include at least one lay member and one person who has experience in education. The Panel is independent of the academy and has the power to overturn the decision to refuse a place for your child at John Port Spencer Academy.

The Appeal Hearing

You are encouraged to attend the appeal hearing in order to hear and question the case of the academy, make your own case and clarify your written statement. You may, if you wish, be represented at the meeting by someone else, or accompanied by a friend. If you do not attend, the hearing may go ahead in your absence, and be decided on the written information submitted.

How the Appeal Panel Reaches its Decision

The Panel must follow a two stage process:

- First, the Panel must consider whether the academy's published admission arrangements and the co-ordinated admission arrangements comply with the mandatory requirements set out in statute and in the Academy Admissions Code, and whether these arrangements have been correctly and impartially applied to your child. The Panel must also consider whether the admission of additional children at John Port Spencer Academy would prejudice the provision of efficient education or the efficient use of resources. At this stage the characteristics and circumstances of the particular child are not usually relevant. The onus is on the academy to prove its case. The Panel must consider a number of factors which may include: what effect an additional admission would have on the academy in the current and following academic years; whether any changes have been made to the academy's physical accommodation or organisation since an admission number was set; the impact of the locally agreed Fair Access Protocol (for unplaced and vulnerable children); and the impact on the organisation and size of classes, the availability of teaching staff, and the effect on children already at the academy. If yours is the only appeal being heard for the academy in question, and the Panel is not satisfied that there would be such prejudice, or finds that the admission arrangements were not correctly applied, the Panel must allow your appeal. Where the Panel decides that the admission of an additional child would cause prejudice, it must go on to the second stage.
- At the second stage, the Panel must balance the prejudice to the academy against your individual case. It must take into account your reasons for expressing a preference for the academy, including what the academy can offer your child that other schools cannot.

When there are a number of appeals relating to one academy, the Panel must not compare individual cases unless it finds that there are more cases which outweigh the prejudice than the academy can admit, in which case the Panel must compare all the cases and uphold the strongest.

Further Information

The Clerk to the Appeal Panel will send you full details about the appeals procedure when writing to give you a date for the hearing.

If you have any questions about the academy admission appeals or about completing the appeals form, please contact Mrs Bradbury, Academy Admissions Officer, John Port Spencer Academy on 01283 734111 or email admin@johnport.derbyshire.sch.uk. Alternatively, you can contact the Admissions and Appeals Team on 01629 537479 or email admissions@derbyshire.gov.uk.

If you wish to access independent advice or information on academy admissions or appeals you can contact the Children's Legal Centre at www.childrenslegalcentre.com.

Please note: your completed appeal form will be acknowledged upon receipt. If you do not receive an acknowledgement within 7 working days, please contact the academy.

WHERE TO RETURN YOUR APPEAL FORM

Mrs T Bradbury
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John Port Spencer Academy
Main Street
Etwall
Derby
DE65 6LU
Telephone 01283 734111 admin@johnport.derbyshire.sch.uk