



TRAFFORD
COUNCIL

**PLEASE READ THIS BOOKLET BEFORE
COMPLETING THE APPEAL FORM**

ADMISSION TO PRIMARY SCHOOLS

HOW TO APPEAL

INTRODUCTION

Any parent, whose application for their child to a particular primary school is unsuccessful, has the right to appeal to an Independent Appeals Panel. This booklet tells you how to appeal.

HOW CAN I APPEAL?

If your request for a place at the school of your choice has been turned down, you will be offered an alternative. If, however, you wish to appeal against this decision, you must complete an appeal form and send it to: -

**Appeals Section
Democratic Services,
Trafford Council
Trafford Town Hall
Talbot Road
Stretford
M32 0TH**

by the date shown on your appeal form. **If you do not appeal within this time then your appeal may be delayed.**

A separate appeal form is required for each child/school.

You are advised to fill in the appeal form and return it promptly, providing as much relevant information as you feel is necessary to be considered.

TYPES OF APPEALS

When completing the appeal form, please fill in all the sections.

When completing the section marked "School Appealing For", enter the name of the school you wish to appeal for.

HOW DO I PREPARE MY CASE?

You are responsible for presenting your case and deciding what oral or written information you want to put before the Appeals Panel, and what witnesses, if any, you wish to bring to the hearing.

The appeal form is an important part of your case and should be filled out carefully.

Your written evidence should be submitted with your appeal form **by the date given on the appeal form**. If you then wish to submit any further evidence e.g. medical report which is not available at the time you submit the appeal form, please send it to the Appeals Section by 18 May 2020. The Appeals Section cannot do this for you and the Appeals Panel will not request any information or make any enquiries on your behalf.

If for some reason you are unable to submit all your evidence by 18 May, please contact the Appeals Section with the following details:-

- (i) a brief description of the evidence,

- (ii) the reasons for the delay in submitting it, and
- (iii) the date when the evidence will be available

An extension to the deadline of 18 May will then be considered.

Please note that if you submit additional evidence after the deadline of 18 May or any agreed extension, the panel may decide not to consider it, or adjourn your appeal to a later date which may be after the end of other programmed appeals.

Written evidence

Please note that the documents you send to us will be photocopied (for panel members and the Local Education Authority/School) in black ink. Therefore any text which has been highlighted with a highlighter pen will not be apparent. If you wish to draw particular attention to information, please consider an alternative method such as underlining.

If any of the additional documents you submit contain your home address, it would be helpful if you could “blank” this out on the copy you send to us.

You may bring with you to your appeal, any witnesses you wish to support your case. You must make arrangements for your witnesses to attend the appeal hearing, as the Appeals Section or Appeals Panel will not do this. Please give details of any witnesses to the Appeals Section prior to the hearing.

You may like to write down what you wish to say at the appeal hearing, and any questions that you wish to ask. Please remember to bring with you all the information sent to you prior to the appeal, as this will contain details of why your child has been refused a place at the school of your choice.

WHAT HAPPENS NEXT?

Once the Appeals Section has received your completed appeal form, they will acknowledge receipt of your appeal and arrange a date for the appeal to be heard. Parents will usually be given 10 school days written notice of the appeal. But, where an appeal needs to be heard earlier, this notice period can be waived by parents (see question on appeal form).

Primary appeals for decisions sent out on 16 April 2020 for entry to Reception in September 2020, will be heard within 40 school days of **Monday 11 May 2020** (the deadline for appeals to be lodged).

Primary appeals for late applications will, if possible, be heard with the “on time” applications. If this is not possible, they will be heard within 30 school days of the appeal being lodged.

Appeals for applications for in-year admissions will be heard within 30 school days of the appeal being lodged.

THE HEARING

Do I have to attend the hearing?

The Independent Appeals Panel hearings are confidential and each case is heard individually.

It is strongly recommended that you attend the appeal hearing, as it is usually easier to explain your case to the Appeals Panel in person. Alternatively, you may send someone else to represent you at the hearing. If you do not wish to attend the hearing or send a representative, then your appeal will be heard in your absence on whatever information you and the Local Education Authority/School have submitted.

If you do not attend the appeal hearing on the date set and have not informed the Appeals Section that you wish to have your appeal deferred, your appeal will be heard in your absence.

You may be accompanied or represented at the appeal hearing by a friend or representative. Details of these people should be given to the Appeals Section prior to the hearing.

Please note that government guidance (The School Admission Appeals Code) states that an employee or governor of the school may not attend the hearing or make any written submissions in support of your appeal.

WHO WILL HEAR THE APPEAL?

The Independent Appeals Panel will be made up of three or five members. It will include Lay Members and Members with an Interest in Education, none of whom have any connection with the Council, the Local Education Authority or the relevant School.

Sitting with the Appeals Panel, will be a Clerk who ensures that the correct procedures are followed and that the appeal hearings are conducted fairly. He/She will remain with the Panel when the hearing is finished, but plays no part in the decision-making.

An Officer/Representative from the Local Education Authority/School will also be present to explain why your child has been refused a place at the school of your choice. At the end of the hearing, he/she will leave and take no part in the decision-making process.

WHAT HAPPENS AT THE APPEAL HEARING?

The hearing will be as informal as possible and the Chair of the Panel will try to put you at ease. However, certain formal procedures have to be followed to make sure that everyone who appeals is given a fair hearing. The following is a summary of the procedure that will be followed at the hearing.

The case for the Local Education Authority / School:

- (1) The Officer from the Local Education Authority (LEA)/ representative of the School presents their case.
- (2) You and/or your representative may ask questions about the LEA's/School's case.
- (3) The Panel may also ask questions.

Your Case:

- (1) You and/or your representative will present your case.
- (2) The Officer from the LEA/School representative may ask you questions.
- (3) The Panel may also ask you questions.

The Officer from the LEA/School representative will then sum up the case for the Education Authority/School and you or your representative may sum up your case.

The Officer from the LEA/School representative, you and/or your representative will leave the hearing at the same time, and will take no further part in the Appeal.

The Panel will then make a decision.

Where there is more than one appeal for the same school, the Panel will hear all the appeals before making any decisions.

All appeals are heard in private and are treated as confidential.

DECISIONS WILL BE NOTIFIED IN WRITING ONLY

HOW DOES THE APPEAL PANEL REACH ITS DECISION?

The School Standards and Framework Act 1998 says that the Local Education Authority must comply with parents' preference except in certain circumstances, which include:

- A. If compliance with the preference would prejudice the provision of efficient education or the efficient use of the Authority's resources;
- B. If the preferred school is wholly selective by reference to high ability or aptitude and the admission of the pupil would be incompatible with such selection under the admission arrangements;

- C. From September 2001, subject to certain limited exceptions, infant classes may not contain more than 30 pupils. These changes have affected the admission of children into infant classes in Trafford since September 1999. The duty to comply with parental preference does not apply if prejudice arises because the school would have to take “measures” to comply with the duty to limit infant class sizes to 30.

If the Local Education Authority refuse to admit a child to a school because it would be necessary to take measures (e.g. employing an additional teacher, building an extra classroom or moving to mixed age teaching) to meet the statutory limit of 30, the Appeals Panel can **only allow** the appeal in the following limited circumstances: -

- (a) If the Appeals Panel finds that the admission of additional children would not breach the infant class size limit
- (b) If the Appeals Panel finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied
- (c) If the Appeal Panel decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

Note: that in this context ‘**not reasonable**’ means that the decision would have been ‘**perverse in the light of the admission arrangements**’ i.e. it was ‘beyond the range of responses open to a reasonable decision maker’ or ‘a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question would have arrived at.’

For all other admission appeals, the Appeals Panel must apply the following procedure in reaching their decision.

Stage 1: Establishing the facts

The Appeals Panel must consider whether:-

- a) the published admission arrangements comply with the mandatory provisions of the School Admissions Code and the School Standards & Framework Act 1998, and
- b) whether the admission arrangements were correctly applied to your child, and
- c) whether the admission authority have proved that admitting another child to the school would prejudice the provision of efficient education or the efficient use of resources at the school.

If the Panel consider that the published admission arrangements are not lawful or were not correctly applied to your child, they must then consider whether your child would have been offered a place if the admission arrangements had been lawful or properly applied. If the Panel are satisfied that your child would have been offered a place, your appeal must be allowed unless a significant number of children have been affected and admitting all of them would cause significant prejudice.

If the Panel consider that the published admission arrangements are lawful and were correctly applied they must then consider whether, as a matter of fact, prejudice would arise if your child were admitted to the school.

If the Appeals Panel is satisfied that there would be prejudice it will move to Stage 2 of the decision-making process.

If the Appeals Panel is satisfied that all the appellants' children could be admitted to the school before prejudice is established, all the appeals will be allowed.

If the Appeals Panel is not satisfied that all the appellants' children could be admitted to the school before prejudice is established, it must go on to Stage 2 of the decision-making process.

Stage 2: Balancing the Arguments

The Appeals Panel will consider the reasons you have given for requesting a place at the school and balance them against the prejudice that would be caused if your child were admitted to the school.

If they decide that the reasons you have put forward in support of your appeal outweigh the prejudice, they will allow your appeal.

If they consider that the reasons you have put forward in support of your appeal do not outweigh the prejudice, they will refuse your appeal.

IS THE DECISION OF THE APPEAL PANEL FINAL?

Yes, the decision is binding on both you and the LEA / School.

IF MY APPEAL IS UNSUCCESSFUL CAN I APPEAL AGAIN?

1. You only have one right of appeal in each academic school year for a particular school unless, in exceptional circumstances, the Local Education Authority / School has accepted a second application because of a significant and material change in the circumstances of the parent, child or school, and refused admission.
2. An appeal for your child's admission to a particular school in September can be held before the end of the previous school year so that the admission can commence at the start of the new school year.

However, such an appeal will be classed as relating to the school year commencing in the September.

3. You may, however, submit an appeal for more than one school during the same academic year.

QUESTIONS COMMONLY ASKED BY PARENTS

1. Can the Appeals Section give me advice regarding the information I present to the Appeals Panel?

NO you must decide what information you wish to present to the Appeals Panel. Such information should be included on or attached to your appeal form or sent to the Appeals Section by 18 May 2020. If you are unable to submit the information by this date, please contact the Appeals Section as soon as possible with a brief description of the information, the reasons for the delay and the date when the information will be available. If the information is submitted late the panel may decide not to consider the information or adjourn your appeal to a later date which may be after the end of other programmed appeals.

2. Will the Appeals Section/Appeals Panel obtain copies of medical reports/other information/make telephone calls in relation to my appeal?

NO if you wish the Appeals Panel to consider medical information etc. you must obtain that information and send it to the Appeals Section by 18 May 2020.

3. Will the Appeals Section/Appeals Panel arrange for witnesses to attend the appeal hearing in support of my appeal?

NO if you wish anyone to attend the appeal hearing in support of your appeal, you must make the necessary arrangements and give details to the Appeals Section BEFORE the hearing.

4. Can I bring a legal representative, friend or other representative with me to the hearing?

YES but please inform the Appeals Section at least 3 working days BEFORE the hearing.

5. Can I request an interpreter?

YES – however, if you are able to bring a relative or a friend this may be more beneficial to you as this person will usually already have knowledge of your circumstances and can help explain your case to the Appeal

Panel. If you do not know anyone who can interpret for you then you must give the Appeals Section as much notice as possible and indicate what language is required.

WHAT IF I HAVE ANY OTHER QUESTIONS?

The staff in the Admissions Team (Sale Waterside) will be happy to answer any questions you may have relating to admission to schools.

The Appeals Section will be happy to answer any questions relating to your appeal and procedures at the appeal.

Sale Waterside – 0161 912 5007 - Admissions

Appeals Section - 0161 912 2798/4221 - Appeal/procedures.

For more information on the admission appeals process, parents are referred to the School Admissions Appeals Code 2012 published by the Department for Education.