



This guidance explains how to appeal against the decision to refuse your child admission and the appeal process for in-year admission for the academic year 2022/2023 and admission to Reception and Year 7 for September 2023.

Background

You, as parent or carer, have the right to say which school you would like your child to attend. On your application form you were asked to select schools in order of preference. Each school selected would receive your application form and your child would be ranked according to their published admission criteria.

The Admissions Authority is the North East Learning Trust. They make all decisions regarding admissions based on their published admissions criteria.

The Admissions Authority must follow legal admission guidelines and can only refuse your request if the school is full and/or there have been more applications than places available (their set Published Admission Number) and the Admissions Authority feels that to admit any more pupils to the school would affect the education of those already attending the schools.

Right of Appeal

All parent(s), guardian or any person who has the actual custody of the child has the right to appeal:

- if you are not satisfied with the place offered by the Local Authority.
- against any decision made by or on behalf of the Admissions Authority refusing your child a place.

However, if a child has been permanently excluded from two or more schools the parent's right is effectively suspended for 2 years following the most recent exclusion.

Children with Special Educational Needs

Regarding a child with a Statement of Special Educational Needs, or a child undergoing a statutory assessment of Special Educational needs, decisions regarding placements are made by the Local Authority through the Statutory Assessment and Review procedure.

Parents still have a right to appeal against the Local Authority's decision; however, the appeal is heard by the Special Educational Needs Tribunal and not to the Admission Appeals Panel.

How to Appeal

An appeal can only be made after you have received written confirmation refusing your child a place at your preferred school.

If you wish to appeal against the decision, you should complete the written Notice of Appeal Form (provided by the Academy) and send it to the Governance Manager, North East Learning Trust, Traynor House, Traynor Way, Whitehouse Business Park, Peterlee, SR8 2RU.

All appeals must be in writing and the Notice of Appeal can only be lodged after the written confirmation of the refusal to the school and should be received by the school within 30 days for first entry admissions and 14 days for casual admissions (admissions outside of the normal annual process).

The Notice of the Appeal must include:

- the name and address of the child
- the decision against which the appeal is made
- the grounds upon which the appeal is made
- the name and address of the person making the appeal
- if the appellant wishes to be represented including the name and address of the representative (*if applicable*)

When filling in the form you should, in support of your case, give all the reasons why you do not agree with the decision.

If you have any medical evidence to submit as part of your reasons for appeal it is necessary to enclose a doctor's letter with your Notice of Appeal to confirm the medical position.

In accordance with published arrangements for admission to schools your **home address** should be shown on the Notice of Appeal. The address of child minders or other family members who may share in the care of your child must NOT be used.

If your appeal involves a house move it is in your own interest to provide appropriate evidence of your move to the new address. This should be either confirmation in writing from your solicitor or some other proof that contracts have been exchanged.

Key Stage 1 Class Size Legislation

By law, infant classes must not have more than 30 children except for very limited exceptions. This means it is very difficult to win an appeal and personal circumstances such as home to school distance, childcare arrangements, transport issues or having children at other schools are not reasons in themselves to make an appeal successful.

An appeal can only be successful if one or more of the following circumstances apply:

- if the admission of the child would not increase the class size to over 30
- if the admission arrangements do not comply with the law
- if the admission arrangements were incorrectly applied
- If the decision to refuse admission was unreasonable (completely perverse and outrageous) considering the admission arrangements

If you are considering an appeal for these year groups, you are advised to Joanne Barker, Governance Manager (Telephone Number: 01915634190 Ext 10120 or Email: joanne.barker@nelt.co.uk) as we will be able to explain in more detail about the law relating to infant class sizes.

Late appeals

Appeals which are sent in late are not normally accepted, but if you do not return your appeal form within the time limit, due to exceptional circumstances, you should return your completed Notice of Appeal as soon as possible with a covering letter explaining why your appeal was late. This will then be assessed, and a decision will be made as to whether your appeal will be allowed to go ahead or not.

What happens next?

Any appeal lodged will be acknowledged and an appeal hearing will be arranged by the Clerk of the Appeal Panel within 30 school days of the appeal being lodged for in year admission and 40 school days for appeals for the annual admission round. The appeal will be held via Microsoft Teams. You will have at least 10 days' notice in writing before your hearing unless you indicate on the appeal form you are willing to waiver this notice to allow your appeal to be heard sooner.

At least 7 days before the appeal you will be sent a written statement summarising the reasons for the decision to refuse admission, the application of the admissions policy and a copy of everything you have sent to support your appeal.

You are entitled to attend the virtual appeal hearing and may be accompanied by a friend or be represented at the discretion of the Appeals Panel.

Who will hear my appeal?

An Appeal Panel provides an independent decision as to whether the Admissions Authority (the Trust) followed their procedures correctly and made the correct decision.

An appeal panel will consist of three or five independent members

On this panel at least one member will be:

- a lay member (a person who has no background or understanding of education)
- a member who has experience in education, acquainted with education in the local area or be a parent of a registered pupil (*School Standards and Framework Act 1998 (paragraph 2 of Schedule 24)*).

All selected members are independent from the Trust and the Academy and were not involved in the original decision that was made.

The Appeal Procedures

The Appeal Hearing

We understand that if you have opted to attend the hearing it is appreciated it can be an anxious occasion, especially as it involves the future of your child's education. As a result, the Appeal Panel, and its Clerk (who acts as adviser to the Appeal Panel on law and procedure) will try to keep the hearing as informal as possible.

The following members will be present with you during the hearing:

- 3 Panel members
- Clerk to the Panel
- School representative(s).

It is advised that you arrive in good time so that you may gather your thoughts. If you do not arrive at the time, you have been given the appeal may proceed without you.

Preparing for the Appeal Hearing

You should read through the documentation you were sent and make notes of any questions that you wish to ask or anything that you do not understand, or you do not agree with.

You do not have to attend the hearing and your appeal can be considered from the written reasons you have given. However, we strongly recommend that you attend so that you can give detailed explanation of your reasons for your appeal. Appeal panels usually ask questions about what you have written. It can be difficult for them to make the best decision without all the information.

The Appeal Hearing

Firstly, a representative of the Trust will present the case for the school to the Appeal Panel followed by an opportunity for questioning by the panel and yourself.

Secondly you, or your representative, will address the Appeal Panel and shall be subject to questioning by the representative(s) of the Trust and the Panel.

The Trust representative will sum up their case for the Academy and you will be invited for any further comments.

The appellant and the Trust representative will retire, and the Appeal Panel will consider its decision.

Do not be afraid to ask about everything you do not understand or do not agree with.

How is the decision made?

The Appeal Panel will consider:

- any preference expressed by the appellants for the school their child should attend.
- the published admission arrangements.
- such other matters as the Appeal Panel considers relevant.

In the event of a disagreement between the members of the Appeal Panel the appeal shall be decided by a simple majority votes cast and in the case of equality of votes the Chairperson of the Panel shall have a second or casting vote.

The decision of the Panel, and the grounds on which it is made, will be communicated by the Clerk of the Panel in writing.

The decision of the Appeal Panel is binding on the Governors of the Academy at which the Appeal Panel determines that a place should be offered to the child.

What if my appeal is successful?

Your child will be offered a place at the Academy, and you will be advised what to do. Should there be any concerns please contact the Academy to discuss admission arrangements.

What if my appeal is unsuccessful?

The decision of the appeal panel is binding on parents, the Local Authority and schools and Academies. This decision cannot be changed.

Contact the Admissions Team of your Local Authority for advice about getting a place at another school

Contact the Academy to check whether there is a possibility to include your child's name on a waiting list. It is worth noting that children are ranked on the waiting list according to the admission criteria and children can move up and down waiting lists.

The law states that if your circumstances change significantly, you may be allowed to re-apply and submit another appeal. If you think this is the case, you should contact the Governance Manager for advice as to whether this applies to you.

If you feel that the appeal panel have not followed the procedure you can contact the Education Funding Agency (EFA).