



Appeals

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Appealing for a School Place in Stockport - Guidance for Parents/Guardians

If you have been unsuccessful with your request for a place at the preferred school for your child, you can appeal to an Independent Appeal Panel, who will hear your reasons and make a decision whether or not to offer your child a place at your preferred school.

Important Information about School Appeals

The appeals panel may only uphold an appeal if:

- The admission of additional children would not breach the infant class size limit (of 30 children).
- The admission arrangements were not correctly and impartially applied.
- The decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case - this threshold is extremely high.

This does mean that the circumstances in which an appeal can be upheld by the panel is very limited. When taking account of the class size criteria you should consider looking at alternative schools.

Are school places held back for appeals?

No. Admission authorities are not legally allowed to do this.

Submitting Your Appeal

Can I appeal for more than one school?

You can appeal for more than one school as long as it was one of your preferences. Please state clearly in your appeal the name of the school and your reasons for appealing for a place there.

What if my child has a statement of Special Educational Needs (SEN)?

If your child has a statement of SEN your appeal must be made to the Special Educational Needs & Disability Tribunal (SENDIST). For further information, please contact the named officer dealing with your child's case. You can appeal against the school named in the statement, or the fact that no school has been named. You may also wish to contact The Parent Partnership Service.

How can I appeal?

In order to submit an appeal straight away you can complete an application form online. Alternatively you can download and complete the attached form and send to Democratic Services, Dukinfield Town Hall, King Street, Dukinfield SK16 4LA.
School Appeals Form

What information should I provide for my appeal?

Any written evidence that you wish to use to support your case should be submitted to the appeal panel in good time for the hearing. It is important that you tell the Appeal Panel all the reasons why you want your child to attend the school(s) of your preference. If you have any documented evidence to support your appeal, e.g. medical evidence or evidence of a house move, please send a copy with your form.

What happens next?

The date of your appeal will be arranged by an officer of the Democratic Services Unit, who will give you at least 10 school days notice in writing of the date of your appeal. You will be sent a copy of the admission authority's statement, together with your appeal statement and any other papers, 7 working days before the appeal, unless you have agreed to a shorter period than this. The statement will summarise why it has not been possible to offer a place based on the fact that to admit another child would "prejudice efficient education or the efficient use of resources" at the school, that is, have an adverse effect on the educational provision within the school.

Can I withdraw my appeal?

Yes you can withdraw your appeal at any time up to the time of the hearing. Please let Democratic Services know as soon as possible if you decide to withdraw.

If you have any queries about your appeal, or the letter informing you of the decision, you should contact Democratic Services.

The Appeal Hearing

Who will consider my appeal and what do they do?

The appeal panel will normally be made up of 3 members. It will include at least one person who has experience of education and at least one lay member who has no experience of education provision or management. Neither councillors nor governors or staff of the school(s) concerned will be on the panel.

Who else will be at the appeal hearing?

As well as the panel members, a clerk will take notes of the meeting and offer advice to the panel on points of law and procedural matters. The clerk will take no part in the decision-making process. A representative of the school's admission authority will attend to explain why a place was not allocated to your child, and why more pupils should not be admitted. If you attend the appeal, this person will only be present with the appeal panel when you are present.

Do I have to attend?

Although you do not have to attend the hearing, it is easier to explain your case if you are there in person. Most parents do take up this opportunity, and we would strongly advise you to do so as the panel may have questions for you to help them make an informed decision. If you do not attend, the appeal will be decided on the information available to the panel including the written information you have sent. If you are unable to attend, you should inform Democratic Services as soon as possible.

Can I take someone to the appeal hearing with me?

Yes you may bring a friend, a relative or a representative. This could be a local councillor, an employee of the local authority such as a social worker, provided there is no conflict of interest. Representatives of the school you are appealing for including staff members and governors, cannot participate at the hearing itself or by providing letters of support because of possible conflicts of interest and the possibility of unfairness to other appellants.

What if I have a special need or a disability?

Please let Democratic Services know as soon as possible if you have any special requirements or needs, for example if you are hearing impaired and need a hearing loop or signer.

What happens if English is not my first language and I need an interpreter?

If you will need an interpreter at your appeal, please tell Democratic Services which language you require. Alternatively, you may arrange your own interpreter.

What will happen at the hearing?

Certain procedures have to be followed at the hearing to make sure that everyone making an appeal is given a fair chance to present their case. If there is a small number of appeals, the following is a summary of the format of the meeting:

- The school's admission authority representative explains why your child was not offered a place
- Everyone has the chance to ask the admission authority representative questions
- You explain why you feel that your child should be offered a place at the school
- Everyone has the chance to ask you questions
- The admission authority representative sums up
- You sum up and add anything you may have forgotten

For large numbers of appeals for a particular school, one meeting will be held for all parents at which the admission authority will explain the reasons why no further children can be admitted without causing prejudice. Panel members and parents will

then be able to ask questions about the case presented. No questions or statements about individual cases will be accepted at this meeting. The panel will then decide whether the school has proved that 'prejudice' would arise if all the children were admitted. If so, the panel will go on to consider each case and you will also be asked to attend an individual appointment where:

- You explain why you feel that your children should be offered a place at the school
- Everyone has the chance to ask you questions
- You sum up and add anything you may have forgotten
- The Decision Making Process

What must the appeal panel take into account?

For secondary school, Key Stage 2 (Years 3 to 6) and some Key Stage 1 appeals the appeal panel is required to make a three part decision:

1. Whether the admission arrangements (including the area's coordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and part 3 of the School Standards and Framework Act; and
2. whether the admission arrangements were correctly and impartially applied in the case in question, and if this is proved
3. whether your case outweighs this prejudice

For Key Stage 1 (Reception to Year 2), the law states that, subject to certain limited exceptions, infant classes of 5, 6, or 7 year olds may not contain more than 30 children with one qualified teacher ("class size" appeals) Only in very limited circumstances can admission over the limit be permitted.

The independent appeal panel must follow consider the following matters:

First Stage

a) whether the admission of an additional child/additional children would breach the infant class size limit;

b) whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998;

c) whether the admission arrangements were correctly and impartially applied in the case(s) in question; and

d) whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.

The panel may only uphold the appeal at the first stage where:

- a) it finds that the admission of additional children would not breach the infant class size limit; or
- b) it 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; or
- c) it decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

In multiple appeals where a number of children would have been offered a place under the paragraph above, and to admit that number would seriously prejudice the provision of efficient education or efficient use of resources, the panel must proceed to the second stage.

The panel must dismiss the appeal at the first stage where:

- a) it finds that the admission arrangements did comply with admissions law and were correctly and impartially applied; or
- b) it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied but that, if they had complied and had been correctly and impartially applied, the child would not have been offered a place;

and it finds that the decision to refuse admission was one which a reasonable admission authority could have made.

Second Stage – comparing cases

The panel must compare each appellant's case for their child to be admitted and decide which of them, if any, to uphold. Where the school could admit a certain number of children without breaching the infant class size limit (or without needing to take measures to avoid breaching it that would prejudice the provision of efficient education or efficient use of resources) the panel must uphold the appeals of at least that number of children.

Consideration of 'reasonableness'

The threshold for finding that an admission authority's decision to refuse admission was not one that a reasonable authority would have made is high. The panel will need to be satisfied that the decision to refuse to admit the child was '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 could have arrived at it.

How will I find out the outcome of my appeal?

The panel will not make any decisions on the appeals until all the appeals for a particular school have been heard. This may take several days. You will be notified in writing of the decision on your appeal, generally within a few working days of the completion of appeals for the particular school. The clerk will be able to tell you when the decision letter will be sent.

What if I lose the appeal?

If you lose your appeal a place will not be offered to your child. If you are a Stockport resident you can contact School Admissions to discuss availability of places in other schools. You are under a legal duty to ensure that your child is educated.

Is the appeal panel's decision final?

Yes, the decision of the appeal panel is final and binding upon the admission authority.

Can I appeal again if my appeal is unsuccessful?

You can only appeal again within the same school year if the admission authority agrees that there is a significant change of circumstances or there were faults in the first appeal which significantly affected the outcome.

What if I have a complaint about my appeal?

If you feel that your appeal hearing was not fairly conducted, you can complain to the Local Government Ombudsman, who will not look at whether the panel's decision was right or wrong, but whether procedure was followed correctly. For academies, complaints should be sent to the Secretary of State.

Can I appeal to the Secretary of State for Education?

The Secretary of State for Education cannot review decisions of individual appeal panels but can consider:

- whether the admission authority has correctly constituted the appeal panel, and
- whether the admission authority has acted reasonably in exercising its functions in respect of the appeal process

What if I feel the decision of the appeal panel was wrong in law?

If anyone concerned with the appeal – you as the parent, the school governing body, or the admission authority – considered that the decision of the appeal panel was legally in error, then a judicial review were granted, the court would consider the lawfulness of the panel's decision. If it found the panel's decision to be unlawful or unreasonable (irrational or perverse legally), it could overturn the decision, or it could order the local authority to set up a fresh appeal hearing with new panel members.

The staff of Democratic Services will be pleased to answer any questions about your appeal.