



Appeals Guidance

Timescales

Parents who are not offered a place here have a right of appeal to an Independent Appeals Panel. Appeals must be submitted in writing using the form available on the School website. Appellants are allowed 20 school days from the date of notification that their application was unsuccessful to prepare and lodge their written appeal.

The School will acknowledge receipt of your form as soon as possible and will make the necessary arrangements for the appeal to be heard. Casual appeals are normally heard within 30 school days (excluding school holidays) from the date the completed appeal form is received in school. Block appeals for September intake into Year 7 with the dates published on the school website. Forms received after the deadline may result in a delay to the appeal hearing for your child.

The School will prepare a written response to your appeal, which will be sent to you no later than 7 days before the hearing. The School will also provide a Presenting Officer to attend the appeal hearing, who will be able to answer detailed questions about the case being heard and the school.

Notification of the appeal hearing will be sent to appellants 10 school days in advance of the hearing. If an appellant wishes to provide additional evidence which was not included in their original application or appeal form this must be received 5 working days before the hearing date. Otherwise the Panel is entitled to decide not to accept information or evidence submitted after that deadline.

You will normally be notified of the Panel's decision in writing no later than 5 working days of the hearings being completed.

Making your Appeal

You must also state the 'grounds' on which your appeal is based. This means your appeal statement should set out your reasons for seeking a place at the School.

You should consider when preparing your appeal whether to include copies of any supporting documentation. These are some examples of documentation that might support or corroborate statements in your appeal:

- letters or statements from doctors, other health professionals or social workers stating why your child must attend this particular school;
- in circumstances where a change of address is relevant to your appeal, letters or statements from a solicitor (or others) confirming a change of address.

All supporting documentation should be provided at least 5 working days before the appeal. If you submit additional information during the appeal, the presenting officer may seek an adjournment from the panel. In certain instances this might require the hearing continuing on another day.

Appeal Hearings

Appeal hearings are informal and are generally held local to your home town or area.

First the School's representative, known as the Presenting Officer, will explain why it was not possible to offer a place at the school. The Presenting Officer will need to show to the panel that further admissions to the school will result in 'prejudice to the provision of efficient education or efficient use of resources.'

You will be invited to ask questions about the case presented and to challenge this view.

The independent appeals panel will also ask questions of the Presenting Officer.

You will then have the opportunity to present your case, including any personal information that you feel is relevant. The Presenting Officer will then be invited to ask questions and the panel will also ask questions. No other parents will be present when you present your own case.

You do not have to attend the hearing although many parents choose to do so. The Panel will allow you to be accompanied by a friend or to be represented although government advice is that legal representation should not normally be necessary.

Whilst appeals can be considered on the basis of your written information alone, the presence of a parent or representative at a hearing will normally enable the Panel to obtain more information about a child's circumstances than is contained in written information alone. Such information, which a parent may not have considered to be relevant when he or she filled in the appeal application form or submitted documents in support of the appeal, could have a bearing on the outcome of the appeal.

If you are unable to attend the appeal then it is important that you send in the fullest possible information about your reasons for wanting a place at the school in question.

You will normally be notified of the Panel's decision in writing no later than 5 working days of the hearings being completed. Decisions of Appeals Panels are final and binding on both the School and the appellants.

Appeal Panels

Appeal Panels have either three or five members. There are strict rules on who may and may not be a member of an Admission Appeal Panel to make sure that the Panel is independent and impartial. A clerk to the Panel also attends to see that the appeal is heard properly and to provide legal advice to the Panel. An administrator may also attend to take notes.

Powers of Appeal Panels

Panels can uphold all appeals and instruct the School to allocate a place for your child. They can uphold some of the appeals and reject others and they can also reject all the appeals.

Once all the appeals have been heard Panels must first decide whether further admissions 'will prejudice the provision of efficient education or the efficient use of resources'.

Prejudice cannot normally be proved until the year group your son will enter is full. This means that the year group has not only reached its admission limit but cannot accept any more boys in that year group without prejudicing the provision of efficient education at the school or the efficient use of resources. The school will provide a statement giving their reasons why they consider that to accept further boys would cause prejudice to the school.

If the Panel believes that the school can admit all the boys whose parents have appealed without causing prejudice your appeal will automatically be upheld. The Panel may decide that places can be allocated to some of the appellants before the point is reached when further admissions will cause

prejudice. The Panel will decide how many more places can be offered. Any such places may be allocated by the Panel according to the factors in the individual case.

If the school's case that further admissions will cause prejudice is accepted by the Panel (either as presented or after some further places have been allocated) the Panel will then proceed to the second stage.

This requires panel members to balance your own arguments in support of your son's admission against the extent of prejudice to efficient education and the efficient use of resources which would be caused by the admission of further boys. If the Panel believes that your case outweighs the extent of the prejudice your appeal will be upheld, otherwise your appeal will be rejected.

Repeat Appeals

If you are not successful you may apply for another appeal, but your application will not be considered within the same school year unless your own or the School's circumstances have changed significantly and materially since your first appeal (e.g. change of address).

What Happens If You Are Not Happy With The Outcome Of The Appeal?

Decisions of Appeals Panels are final and binding on both the School and the appellants. The only further rights open to you if your appeal is not upheld is to complain to the Local Government Ombudsman if you consider there has been maladministration in the way your appeal was handled or to seek 'judicial review' of the decision through the Courts. This is not a right of appeal. Maladministration covers issues such as a failure to follow correct procedures or a failure to act independently and fairly, rather than complaints where a person simply feels that the decision taken is wrong.

Other Sources of Help

Parents can seek advice from the Advisory Centre for Education (ACE) in London, which is a voluntary body providing an advice service to parents on education matters – www.ace-ed.org.uk.

General information regarding appeals can be obtained from the Cheshire East School Admissions Team:

School Admissions. Floor 2 c/o Municipal
Buildings
Earle Street
Crewe
Cheshire CW1 2BJ tel: 0300 123
5012
email: admissions@cheshireeast.gov.uk

The Department for Education has a website that provides a range of information for parents - www.dfe.gov.uk