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# APPEALING A SCHOOL PLACE

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The Brian Clarke Church of England Academy

January 2023

The Brian Clarke Church of England Academy  
Bloom Street, Oldham OL9 6BP

## School Appeals

Although most children are able to attend their parents' preferred school, this is not always possible.

In some cases, schools are full to the maximum capacity, and admitting extra pupils would be detrimental to efficient education and use of resources. In these circumstances, the Academy (school) is unable to admit further pupils.

Under the School Standards and Framework Act 1998, if you are refused a place at a school, you have the right to submit an appeal to an Independent Appeals Panel. You may only appeal the same school, once each school year, unless there has been a significant change in your circumstances.

At the appeal hearing, an independent panel will provide you with the opportunity to give reasons why you wish your child to be offered a place at The Brian Clarke Church of England Academy.

### How To Submit An Appeal

The decision letter will specify exactly how and when to submit your appeal.

Any written evidence that you wish to use to support your case should be submitted to the Appeal Panel before the hearing. It is important that you tell the Independent Appeal Panel all the reasons why you want your child to attend The Brian Clarke Church of England Academy.

If you are making your appeal on medical grounds, you must submit medical evidence from your doctor or hospital to support your case. This evidence must clearly demonstrate that The Brian Clarke Church of England Academy is the only school that can meet the medical needs of you or your child, and why alternative schools that have been offered cannot meet those needs.

### Documentary Evidence

If you have any documentary evidence to support your appeal, please send a copy, with your Appeal Form, to:

The Clerk to the Independent Appeals Panel  
The Brian Clarke Church of England Academy  
Bloom Street, Oldham  
OL9 6BP

## Appeal Dates – Secondary School Admissions (September 2023 Entry)

- Appeal form available 1<sup>st</sup> March 2024
- Closing date to submit appeal form – 12<sup>th</sup> April 2024
- Appeal hearing dates – from w/c 17<sup>th</sup> June 2024

## Appeal Process

Once you submit your appeal form and documentary evidence you will receive an acknowledgement from The Brian Clarke Church of England Academy. They will pass your appeal to the Clerk to the Independent Appeal Panel on your behalf and will advise you when this is done as well as providing you with their direct contact details.

Appeal hearings are usually held online but if appellants do not have internet access, alternative arrangements can be made by contacting the Clerk to the Independent Appeal Panel at the school address. Details will be provided along with the information about the date and time of the hearing.

You will be given 10 school days' notice of the date and time of the hearing.

- Appeals for secondary schools applied for on time in the normal admissions round must be heard within 40 school days of the deadline for lodging appeals
- Appeals for schools outside the normal admissions round must be heard within 30 school days of the appeal being lodged.

The Clerk to the Independent Appeal Panel will endeavour to timetable appeals for late applications together with the on-time applicants' hearings; however, where this is not possible, they will be arranged as being outside the normal admission round.

An officer from the school appeals team will send you a copy of the admission authority (school) statement of the reasons for refusal of a place at your preferred school, together with copies of your own appeal form and any other papers you have submitted.

The members of the Independent Appeal Panel will also receive copies of all the same documents.

Although you do not have to attend the hearing, it may be easier to explain your case or answer any questions that the panel may have if you are there in person (online). You can also ask someone to accompany you, but your child should not be present at the hearing.

If you require additional facilities such as an interpreter you must advise the independent appeals team in advance of the hearing so that one can be arranged to attend, otherwise it may be necessary to adjourn the hearing until a later date.

If you are unable to attend and the date for the hearing cannot be rescheduled due to timetabling constraints, or you do not wish to attend, the appeal will be decided in your absence upon the information provided, including all the written information you have sent.

The decision of the Appeal Panel is final and will be sent in writing to parents by the Clerk to the Independent Appeal Panel.

### Appeal Panel Members

There will be 3 or more panel members convened to consider your appeal. They are all independent of The Brian Clarke Church of England Academy and The Cranmer Education Trust; they are unpaid volunteers, properly trained in considering grounds for appeal.

Appeals Panels have to consist of at least one lay member who has no personal experience in the management or provision of education in any school, and at least one member will be someone with experience in education or has a child registered at school.

The panel may include a diocesan representative.

The panel will be advised by a Clerk, who is also independent of the school and the Trust. They have relevant and up to date knowledge of the School Admissions Code, the School Admission Appeals Code and other law relating to admissions, including equalities legislation.

The role of the Clerk is to make all the necessary administrative arrangements for the appeal and give advice on procedure and admissions law. The Clerk will take notes of the relevant points discussed at the hearing and will remain with the Panel when they make their decision to record the reasons for this. However, they will take no part in the decision making, as only the members of the Independent Appeal Panel make the decision on whether to allow your appeal or not.

### Appeal Hearing

The hearing is formal and certain procedures must be followed to make certain that everyone who has submitted an appeal is given a fair chance to present their case. However, the Chair of the Panel will try to put you at ease. You will be given plenty of opportunity to put your case.

The following is a summary of what usually happens at an appeal hearing:

1. The Chair of the Appeal Panel will introduce you, the panel members, the Clerk, and the school representative who are present.
2. The school representative will present their case, explaining why your child has not been given a place at your preferred school.
3. You may ask questions about the admission authority's case.
4. The Appeal Panel members may ask questions of the admission authority's case.
5. You will be asked to present your case.
6. The admission authority may ask you questions about your case.
7. The Panel members may ask you questions about your case.
8. The admission authority will sum up their case.
9. You will sum up your case.

You and the admission authority representative will then be asked to leave as the Appeals Panel must withdraw to reach a decision as to whether to uphold or reject the appeal.

### Decision Making Process

Panels must follow the two-stage process before arriving at a decision and will firstly:

(a) Consider whether the school's published admission arrangements complied with the relevant law, and were correctly applied in the child's case, and decides whether prejudice would arise were the child to be admitted.

If this is proved, the Panel then moves on to the second stage:

(b) Using their discretion, the Panel balances the degree of prejudice to the school against the case for the child to be admitted to the school.

The Clerk will notify all parties of the Panel's decision in writing, usually within five working days, although this is not always possible when dealing with multiple appeals for the same school.

If there are multiple appeals for the same school, the Appeal Panel will not make any decisions until all the appeals for that school have been heard. This sometimes takes several days, and therefore it may seem that there is a long delay between attending your appeal and being notified of the outcome.

### Is there a further right of appeal?

The decision of the Independent Appeals Panel is final and binding upon the admission authority (The Brian Clarke Church of England Academy) and you.

You cannot appeal twice for a place at the same school in the same school year unless the admission authority accepts that your first appeal was not conducted properly or that there have been significant changes in your circumstances.

If you feel that your appeal hearing was not managed properly you can complain to the Education and Skills Funding Agency (ESFA). Please note that you cannot complain about the decision itself, only the way the appeal was carried out. If ESFA decides something went wrong with the appeals panel, it may:

- ask the school to hold a new appeal hearing with a different panel
- recommend the school reviews its appeals process

If you think that the appeal panel's decision was unlawful or not a decision which a reasonable panel could have reached and you wish to challenge it, the only way of doing so is to apply to the High Court for a judicial review. This must be done as soon as possible and in any event within three months of the date of the panel's decision.