



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 2020/2021 and admission to Reception and Year 7 for September.

Background

You, as parent or guardian, have the right to say which school you would like your child to attend. On your application form you were asked to select 3 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.

Late appeals

Appeals which are sent in late are not normally accepted, but if you do not return your appeal form within the 30 days' 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?

In accordance with the revised guidance from the Department for Education, which was published on 24 April 2020 and updated on 1 February 2021, the Trust acting as the Admissions Authority have agreed that all appeals until 30 September 2021 will be based on written submissions only.

The Trust have agreed the following process and will ensure that all parties are able to fully present their case and allow the panel to make a decision which is fair and transparent

The clerk will contact the appellant and presenting officer, in line with the amended timetable. The presenting officer will be provided with a copy of the appeal lodged and asked to submit the admission authority's arguments and evidence; the appellant will be given the opportunity to submit additional evidence if they wish. All submissions should be in writing – preferably by email but, where this is not possible, by post.

The panel and clerk will meet by telephone or video conference to consider the submissions and formulate questions for the appellant and presenting officer. The aim should be to clarify points made and solicit further relevant information. They should bear in mind that appellants, in particular, may be less familiar with the kind of information and arguments that are required, and may have less experience preparing written submissions.

The clerk will send the questions and all the papers to each of the parties, for example, the presenting officer's submission will be sent to the appellant along with both sets of questions, and vice versa.

Both parties should reply with answers to the questions, and any further points they wish to make. On receipt, the clerk should send each party's submission to the other party. The parties should be informed that any information or evidence not submitted by any relevant deadline set for submitting evidence might not be considered in the appeal panel's decision.

The panel will meet by telephone or video conference, with the clerk, to consider all the information and reach a decision in the same way as prescribed in the Appeals Code.

How the decision is 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).