



GUIDE TO APPEALS PROCEDURE

Information relating to appeals for Tollbar Academy.

INTRODUCTION

- 1) This leaflet describes the arrangements which the Governors have made for parents to appeal against school admissions decisions for Tollbar.
- 2) **This leaflet does not deal with admission decisions made in respect of students with assessed special educational needs.** In these cases, parents should write to the Principal Education Officer (Special Needs), Special Educational Needs Section, Ground Floor, Freeman House, Freeman Way, Grimsby, DN32 7AU.

PARENTAL PREFERENCE

- 3) Parents have been given the opportunity to express a preference as to the school they wish their child to attend. It is the policy of the Governing body to meet these preferences where this is possible within the annual admission number set. Where applications exceed this admission number, then a number of factors are taken into account in deciding which children shall be offered places. These factors are set out in general terms in the Authority's publication "Your New School – A Guide for Parents" available free of charge from schools, the Learning and Child Care Office and public libraries in North East Lincolnshire.

APPEALS

- 4)
 - The form – Notice of Appeal – accompanying this leaflet should be completed by the parents and sent to: **Admissions at Tollbar MAT, Station Road, New Waltham, Grimsby DN36 4RZ**
 - The receipt of the form will be acknowledged.
 - Appellants have 28 days from the date of notification that their application was unsuccessful to prepare and lodge their written appeal.
 - Parents will subsequently be informed of the time and place of the appeal hearing. Parents will be given 14 days notice of when the appeal will be held. Please note that appeals can be heard in person, via video or telephone conference or in writing.

APPEAL HEARINGS

- 5) Appeals will be heard by appeals panels under independent Chairpersons. The Chairperson and members of appeals panels are drawn from a list of applicants.

The membership of Appeals Panels include ex-teachers, parents, lay members and other persons familiar with the local education system.

- 6) Parents may choose whether or not to attend the appeal in person or by video or telephone conference. If they attend they may speak in support of their appeal. If parents do not attend then the appeal will be considered on the basis of the written statements available.
- 7) Parents may be accompanied by a friend to be represented at appeals hearings.
- 8) The conduct of the proceedings of the appeals panel is in the discretion of the panel but will generally follow the pattern set out below.
- The Admission Authority's case
 - Questions on the Admission Authority's case
 - Consideration by the panel of the Admission Authority's case
 - The parent's case
 - Questions on parent's case
 - Summary of Admission Authority
 - Summary by parents (if present)
- 9) The Appeals Panel may ask questions at any time if they require clarification of what is being said, or if they need more information in order to reach their decision.
- 10) The panel may adjourn the hearing in circumstances where this seems appropriate.
- 11) Appeals will normally be held in private, but in appropriate cases the panel may arrange to hear more than one appeal in relation to Tollbar at the same time. In this case the Admission Authority may present its general case and (unless any appellant objects in relation to his/her own appeal) the appeals may be heard in the presence of the other appellants.

- 12) In the case of a Normal Admission Appeal the Panel needs to determine whether, on balance, the case put forward by the parent outweighs the case put forward by the Admission Authority.

DECISIONS

- 13) Parents will be advised in writing of the decision of the appeals panel and the grounds on which the decision was made 7 days after the hearing.
- 14) The decisions of the appeals panel are binding on the Admission Authority.
- 15) Parents who feel that the Admission Authority has acted unreasonably in refusing a place for their child at Tollbar Academy and where this refusal has been upheld by an Appeals Panel may appeal to the Secretary of State, at the Department for Education and Skills, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.
- 16) Parents who feel that the way in which admissions decisions have been reached by the Admission Authority and the appeals panel has been improper may take their case to the Commissioner for Local Government Administration (Ombudsman), Beverley House, Shipton Road, York YO3 6FZ.
- 17) Any party may also have recourse to judicial review. Parents wanting advice on this should seek their own independent legal advice.

Appealing for a School

A PARENTS GUIDE

If there are no places available at your preferred school and you are refused a place, you have the right of appeal against the decision.

This guide has been created to answer some of your questions about the Appeals Process, should your child be refused admission to the school of your choice.

It is designed to accompany the Guide to Appeals procedure (which you will receive when your child is refused admission) and the Appeal Hearing's Order of Procedure (which you will receive prior to your Appeal Hearing).

NOTE: This leaflet does not deal with appeals against admissions decisions made in respect of pupils with assessed special educational needs. In these cases, parents should write to the Principal Education Officer (Special Needs). Special Educational Needs Section, Ground Floor, Freeman House, Freeman Way, Grimsby, DN32 7AU.



I have been refused a place at my preferred school. What should I do now?

You will have been sent a letter from the Admission Authority which will explain why you have been refused admission to the school of your choice. The letter will explain that you have the right to appeal to an **Independent Appeal Panel**. The letter will have with it a form that you should complete to say you want to appeal. You should include **ALL** the reasons why you wish your child(ren) to attend your preferred school.

My appeal is based on a change of address, what information should I provide?



If you are basing your appeal on the fact that you will be moving into the catchment area of the school of your preference, then you will need to provide documentary evidence (e.g. exchange of contracts) that your change of address is permanent.



I think there are medical reasons for my appeal, what information should I provide?

You will need to provide a letter from your family doctor, health visitor or hospital to support your case. If you want the Appeal Panel to consider your case on medical grounds, they will need to know how the medical condition will affect your child while at school.

Do I need to attend the hearing?

It is in your best interest to attend the appeal hearing. The panel will be able

to check any details that are not clear on your written statement. If you decide not to attend, the panel will make their decision on the information available to them.

Can I bring anyone with me to the appeal?

You can be accompanied by a relative or friend. It is not necessary to bring your children with you, but arrangements will be made to accommodate them, should the need arise. Although it is not necessary for you to be represented by a solicitor, you can be if you wish.

Who are the Appeals Panel?

The appeal panel will normally consist of no more than three members, at least one of which must be a lay member i.e. a person without personal experience in the management of any school or the provision of education in any school. The remaining member will be drawn from a list of ex-teachers, parents of registered pupils at a school or general members of the public. No member will have any direct connection with the school, appellant or the local education authority.



What will happen at the Appeal Hearing?

When you enter the hearing you will be joined by a person from the Admission Authority who will explain to the Appeal Panel why your child was refused a place at your preferred school. The Admission Authorities case will be based on a variety of statistical information which will expand on the reasons set out in the Admission Authorities statement that will be sent to you, at least seven days in advance of your appeal date. You will have the opportunity to question the Officer of the Admissions Authority, as will the panel. If the Admission Authorities case is accepted then you will be asked to present your case. The panel and/or the Officer of the Admission Authority may then ask you questions for which they need clarification. The hearings are held in private. There will be a Clerk to the Appeal Panel who will take notes and offer legal advice to the panel.

When will I get the result of the Appeal Hearing?

Decisions will **NOT** be issued on the day of the Appeal Hearing. You will instead be asked to contact the Admission Authority by phone, usually on the next working day. You will be issued with the relevant details prior to your Appeal Hearing. The Clerk to the Appeal Panel will then write to you as soon as possible (usually within seven days of the hearing) to tell you the result of your appeal. If you are unsuccessful at appeal, the letter will also state the reasons why you were unsuccessful.



Can I appeal again if I am not satisfied with the result of the hearing?

The procedure for school admission appeals is aimed at ensuring all parents feel they have had a fair hearing – even when the decision is not in their favour. If your appeal has been unsuccessful, you will not be able to appeal again for your preferred school, unless there is a material and significant change in your circumstances.

There is no right of appeal against the decision of the Appeal Panel. You can write to the Secretary of State. They 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 functions in respect of the appeal process.

If you feel there has been maladministration in the way your appeal has been handled, you can ask the Local Government Ombudsmen to investigate. If they find there has been maladministration that caused injustice, it is likely that they will propose a fresh appeal be heard with a different panel.

Both these addresses are available on the Guide to Appeals Procedure.

We hope you found this information helpful

You can obtain further information by accessing the DfES website: - www.dfes.gov.uk/appeals

If you have any questions you would like answers to, prior to your appeal hearing, do not hesitate to contact Mr P Kaylow, MAT Officer at Tollbar MAT on telephone number: 01472 500505.



Tollbar Academy



Tollbar MAT
Family of Academies



Tollbar MAT
Sixth Form College

NOTICE OF APPEAL

This Form is to enable parents to appeal against the Admission Authority's decision to refuse their child's admission to Tollbar. The form should be completed on behalf of the child and sent to **Admissions at Tollbar MAT, Station Road, New Waltham, Grimsby DN36 4RZ**

Parents are advised to read carefully the leaflet "Guide of Appeals Procedure" before completing this form. If you require any further information / advice about the Appeals Process or the Guide for Parents Booklet, please do not hesitate to contact Mr P Kaylow, MAT Officer.

Section One: Details about you and your child (Please use Black ink)

Your Child's Personal Details

First Name

Middle Name

Surname

Your Child's Date of Birth

Day

Month

Year

Your Child's Gender
(please tick ✓)

Male

Female

Please state the year group you are applying for:
For new intake please write "New Intake"

Year

NOTE: - Addresses are routinely checked & places may be withdrawn if a false address has been given

Your Child's Current
Address

House Number

House Name

Street

Town

County

Postcode

Your Name
(*delete as
appropriate)

Mr/Mrs/Ms/Miss/other*

Initial

Surname

Are you the child's
(please tick)

Mother

Father

Guardian

Other – please specify

Phone Numbers
(include STD Code)

Day Time

Evening

Mobile Numbers / Email

**Do you live at the same
address as your child?**
(If not please complete
this part of the form.)

House number

House Name

Street

Town

County

Postcode

Section Two: Additional Information

Please tick this box if your child has a statement of special educational needs	YES <input type="checkbox"/>	NO <input type="checkbox"/>
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FOR OFFICE USE ONLY

Please tick this box if your child is looked after by the local authority	YES <input type="checkbox"/>	NO <input type="checkbox"/>
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SEN STATEMENT
CHECK:
YES / NO
(*Delete as appropriate)
Initials/Date: _____

Section Three: Appeal Information

Please tick if you have you previously appealed for Tollbar

YES ☐ NO ☐

If the answer to the previous question is **YES**, please give details.

Please note that, a parent may normally only appeal once for the preferred school. A second appeal may be granted, but only if there is "significant material change in circumstances which are relevant to the published Admissions criteria" from the initial appeal.

Date of proposed admission / Transfer

Date

School Currently Attending

School

Alternative school offered by the Local Education Authority

School

Please indicate (by ticking the box) if you will be attending the appeal hearing

YES ☐ NO ☐

Please indicate (by ticking the box) if you will be represented at the appeal hearing

YES ☐ NO ☐

Please indicate (by ticking the box and signing the box) if you wish to waive your right to two weeks' notice of the date of appeal and one week's notice of the relevant documentation.

YES ☐ NO ☐
Signature

Section Four: Grounds for Appeal

Please give as much information as possible in support of your appeal.

Medical Reasons

If there are any urgent medical factors that necessitate your choice of school please give details below. (Medical needs should be supported by a Doctor's certificate at least indicating how the medical condition relates to school preference.)

Please note that the Governors or Appeal Panel will not follow up requests to contact Doctors for their comments. It is the responsibility of the appellants to ensure that any supporting documentation is available for the panel to consider.

