

## **Introduction & Rationale**

Choosing your child's primary school can be a difficult decision for you to make. The law does not give you a choice of school but it allows you to 'express a preference'. Occasionally demand is higher for some schools than there are places available; therefore, some parents are refused a place for their child when a school is over subscribed. If this happens you have a legal right to appeal to an Independent Appeal Panel. In considering an appeal, the panel will take account of:

- Any preference expressed by the appellant
- The admission arrangements published by the admissions authority (St Martin's Academy Trust)

An appeal panel will reach a decision in the light of all available information and on the individual merits of each case.

## **School Admission Appeals Code**

St Martin's Academy Trust, including any Independent Appeal Panel, will act in accordance with all relevant provisions of the School Admissions Code and the School Admission Appeals Code (the Codes) published by the Department for Education (DfE) as they apply at any given time to maintained schools. In addition, it will act in accordance with equalities law and the law on admissions as they apply to maintained schools.

For this purpose, reference in the Codes or legislation to 'admission authorities' shall be deemed to be references to the St Martin's Academy Trust.

St Martin's Academy Trust will take part in any mandatory Admissions Forum set up by the local authority and have regard to its advice and will participate in the co-ordinated admission arrangements operated by the local authority and the local Fair Access Protocol.

The admissions policy and arrangements for the School will be in accordance with admissions law, and the DfE Codes of Practice, as they apply to maintained schools.

St Martin's Academy Trust acknowledges that the Secretary of State may:

- a) Direct the Trust to admit a named pupil to the School on application from a local authority. This will include complying with a School Attendance Order. Before doing so, the Secretary of State will consult with the Trust
- b) Direct the Trust to admit a named pupil to the School if it has failed to act in accordance with applicable admissions and equalities legislation or the provisions of the Codes
- c) Direct the Trust to amend its admission arrangements where they fail to comply with the School Admissions Code or the Admission Appeals Code.

In accordance with the School Admission Appeals Code, St Martin's Academy Trust shall ensure that parents and carers and 'relevant children' will have the right of appeal to an Independent Appeal Panel if they are dissatisfied with an admission decision of the Trust. The Appeal Panel will be independent of St Martin's Academy Trust. The arrangements for appeals will comply with the School Admission Appeals Code published by the DfE as it applies to foundation and voluntary aided schools.

## **Appeals Guidance**

### **1. Making an Appeal**

You cannot appeal unless you have made an application for a school place and have been notified in writing of the reason why your child could not be admitted into the relevant year group. If you decide to appeal you are strongly advised to seek a place at an alternative school in case your appeal is unsuccessful. Securing a place at an alternative school will not prejudice your right of appeal for any other school.

### **2. Things to consider before completing your appeal form**

At St Martin's Academy you are asked to complete and return an appeal form directly to the Trust within 20 school days from notification that your application was unsuccessful. You must state the 'grounds' on which your appeal is based. You should also state any other grounds that you wish the Independent Appeal Panel to take into consideration. You should consider when preparing your appeal whether to include copies of any supporting documentation. All supporting documentation must be provided at least seven school days before the appeal hearing. If you submit additional information during the appeal, the Presenting Officer from the Trust may seek an adjournment from the independent appeal panel. An independent Clerk will be appointed to oversee the process. In certain circumstances this might require the hearing to be re-scheduled for a later date.

### **3. The Independent Appeal Panel**

The Appeal Panel will be independent of the Academy Trust and will be made up of three or more members; one of whom will have no professional experience within education and none of whom can know the appellant directly. Where there are multiple appeals, the Appeal Panel will seek to hear all appeals together.

#### 4. Appeals process

##### Step 1

An appeal form is available for you to download but it is your appeal and it is for you to make sure that all relevant information is available to the Independent Appeal Panel so that members of the Panel can make an informed decision. The appeal form enables you to state your reasons for wishing your child to attend your preferred school and the grounds for your appeal.

##### Step 2

The school will acknowledge receipt of your appeal form and will send this and any documentation directly to the Directors of the Academy Trust who will make the necessary arrangements for the appeal. Notification of the date, time and venue for the hearing will be sent to you in writing ten school days before the hearing. A copy of your documentation will also be provided to the Academy's Presenting Officer, who will prepare a written response to your appeal.

##### Step 3

Your appeal form and all your additional documents together with the response from the Academy Presenting Officer, will be sent to you by the Clerk to the Appeal Panel no later than five school days before the hearing. The members of the Independent Appeal Panel will also be sent the same information.

##### Step 4

The Independent Appeal Panel will hear the appeal at a venue close to the school and you are invited to attend the hearing. You may be accompanied or represented by a friend, advisor, interpreter or signer who may speak on your behalf at the hearing. If you intend to be represented or accompanied, you should inform the Appeal Panel in advance of the hearing so that they are aware of all attendees. If it is not possible for you to attend the hearing, your appeal can be heard in your absence and a decision reached based on all the information that is available to the Appeal Panel.

##### Step 5

Following the hearing, the outcome of your appeal will be sent to you by the Clerk to the Appeal Panel within five school days.

#### After the Appeal

If your appeal is successful, you will be contacted by the school with the necessary information you require for your child to start school in September. If the appeal has been refused, it is recognised that you may not be happy with the decision. However, members of the independent Appeal Panel will have given careful consideration to all the information which has been made available in your case. A re-hearing of an appeal will not be considered if it is based on the same facts which have already been considered by an Appeal Panel. Complaints about maladministration, the way in which the appeal was handled, are investigated by the Young People's Learning Agency on behalf of the Secretary of State.

#### Appeals Timeline – Important Dates

Phase	Offers Made	Deadline for Lodging an Appeal	Appeal Hearings
Primary (entry to a reception class in September 2019)	Tuesday 16 <sup>th</sup> April	Thursday 17 <sup>th</sup> May 2019	To be heard no later than Thursday 19 <sup>th</sup> July 2019