

# GUIDANCE FOR MAKING AN APPEAL

## General Information

If you want to appeal against our decision not to offer your child a place at Trinity, you will need to fill in the Appeal Form enclosed and return it to Trinity. This form will allow you to explain your reasons for wanting a place at Trinity. Our letter to you describes the School's reasons for not offering your child a place at Trinity.

The most common reason for not being offered a place is because Trinity had more applications than places available, and other children had a higher priority for a place at the school than your child, based on the school's admission policy. Because of this, Trinity do not wish to admit more pupils, as this would adversely affect resources and the education of other children at the school. The cost of every appeal must be paid for by the school, which puts further pressure on available resources.

Before deciding whether to appeal, you will probably want to think about Trinity's Admissions Criteria (of which you will receive a copy), your reasons for wanting your child to attend Trinity, your child's view of why they should go to Trinity, and how strong a case you have. If you believe that there are **exceptional** reasons why you should be offered a place at your preferred school then you can appeal. Everyone has the right of appeal but it is only in **exceptional** circumstances that an appeal will be successful.

For information, all schools can admit up to a certain number of children. In our case this is 240. This is the "published admissions limit" or PAN (sometimes called the "designated capacity" or "standard number"). This number must be published and is agreed as part of the admissions policy. It is set using a calculation which all Admission authorities have to use and we will admit children to our school until the admissions limit is reached. When we reach the admissions limit, we can refuse entry. We can argue that admitting an extra pupil would "prejudice the provision of efficient education or the efficient use of resources". This means that having an extra child at the School would harm the quality of education provided at the school.

The law does not give you a *choice* of school but it allows you to 'express a preference', and, by requesting a place for your child in a school, you have expressed your preference. Your child's application will be considered according to the admissions criteria for each of your preferred schools but if these are full, then your preferences will be filtered down your list. If you are allocated a place at one of your preferred schools, any lower preference schools that you have requested will automatically have been withdrawn in accordance with the coordinated admissions policy.

Your child's position on the waiting list can go up, that is, it can improve if vacancies arise when children leave the school and the number of children at the school falls below the admissions limit. New admissions will be made to fill the school back up to its admission limit from the waiting list, taking children in order of priority, as per the admissions criteria.

You can accept a place in one school and still appeal for a place at another; appealing for any school does not affect the progress of your child's application regarding priority or waiting list position. As vacancies arise when places are declined by other parents/carers, they will be filled from the waiting lists, whether or not parents have appealed.

The appeals process has been designed to ensure that any parent is able to present their case to an independent Appeal Panel without the need to turn to companies that offer to assist them in preparing and presenting their appeal at significant cost. There is no evidence to show that paying for any of these companies will improve your chances at a hearing. If you have a strong case to justify your child being given a place at Trinity, then the Appeal Panel will consider it, no matter who presents your case.

You will be given a deadline to return your appeal form which allows you at least 20 School days from the date of notification that your application was unsuccessful to prepare and lodge your written appeal. Your appeal form must be the one supplied by Trinity on which you have given your reason for your appeal and is signed and dated by the parent/carer. You may write on the form that you have attached documents for consideration. This form plus supporting documentation must then be returned to Mrs L Scrivens, The Admissions Secretary, Trinity Catholic High School, Sydney Road, Woodford Green, Essex IG8 0TB via email (as below) or post. The School will then send the appeal documentation to the London Borough of Redbridge.

If you require any further clarification, please contact Mrs L Scrivens at Trinity Catholic High School, telephone number 020 8504 8946 ext 180 or email [LScrivens@tchs.org.uk](mailto:LScrivens@tchs.org.uk)

### **Arrangements for the Appeal Hearing**

**Appeal hearings will continue to happen virtually. Parents will be sent an electronic link to join the hearing remotely.**

### **When do the transfer appeals take place?**

Due to the high number of appeals requested for schools, appeal hearings are booked as multiple appeals by Trinity from early May until early July for on-time appeals, and some late appeals where they can be fitted in, depending on availability of appeal panel members. We are given the availability by the London Borough of Redbridge for certain dates. After this time, late appeals will be heard no later than 30 school days from the date your appeal form is received by the London Borough of Redbridge via Trinity Catholic High School. You will receive an email advising you of the date and time of your appeal at least 10 school days before the appeal hearing, unless you have agreed to waive the 10 school days' notice on your appeal form.

For 2023, your appeal form, with supporting documentation, should be returned to the School no later than 19<sup>th</sup> April 2023, in order for your appeal to be processed and sent to the London Borough of Redbridge.

### **Will I be given the same information as the Independent Appeal Panel (IAP)?**

Each member of the IAP for your appeal hearing will have a copy of your "case history" as will all interested parties: the Clerk to the IAP and Trinity's representative. Your case history is made up of:-

- Your appeal form;
- Any extra information you have sent;
- Copies of earlier letters about your application and case;
- Our reasons for not offering your child a place at the School (our case).

You will be allowed to provide additional information for your appeal up to three working days before the hearing. If you submit information which the Panel thinks may be significant too close to the hearing date or on the day, the Panel may need to defer your case to enable them and the Trinity representative time to study the papers. This is important because they will want to come to a fair decision based on a full understanding of all the information.

### **How will I know about the hearing?**

The London Borough of Redbridge normally tells you when your appeal will be about 10 days before the hearing. All appeals will be held virtually and therefore you will be sent an invite to join the meeting in your email from the IAP. They do not usually advise you to have your child present as they should be attending school either physically or virtually, and it could be distressing for them to hear some of the information being discussed, but it is for you to decide whether your child should attend the hearing.

### **Assistance**

Appeal panels must comply with their duties under the Equality Act 2010 when considering an appellant's attendance and representation at an appeal hearing.

If you need assistance to help you at your hearing, please ensure that you state this in your appeal form as far in advance as possible so that appropriate arrangements can be made.

Please be advised that the inability to converse orally in a language which is not the speaker's native spoken language, is not regarded by the Equality Act 2010 as having a substantial adverse effect on normal day-to-day activities. In exceptional circumstances only, if you are unable to bring an adult friend or representative with you to your appeal hearing to help you present your case in English, we will arrange an interpreter to assist you. There is a cost for interpretation services, and if an interpreter is booked and you do not attend the hearing, or it becomes evident that you did not require their assistance during the hearing, Redbridge will charge you a percentage of the cost, currently set at £20.

### **Should I attend the hearing on my own?**

If you feel worried about speaking for yourself at the virtual hearing, or if you feel at a disadvantage, you can have someone to support you who may represent or speak for you. This could be:- a friend, advisor, neighbour, member of your social or religious community, a choice advisor, a locally elected politician, an employee of the Local Education Authority, educational social worker, an SEN advisor or Learning Mentor but they must not be an employee of Trinity Catholic High School.

### **What happens if I cannot attend the hearing?**

If at any time after you have been told the date and time of the appeal you find out that you cannot attend the hearing you should tell Trinity and the Admissions & Awards Team at Redbridge straight away, preferably in writing, so that this can be sent to the Clerk's office.

The hearing can be heard without you there ('heard in absence') or you can arrange for somebody else to take your place at the hearing, but you should tell the Appeals

team at the London Borough of Redbridge in advance and let them know their name and email address so that they can be included in the virtual meeting.

If you cannot attend the hearing, but it is impractical to offer an alternative date, the appeal will go ahead and be decided on the written information submitted. If the Appeal Panel decides to defer your hearing, it may be some weeks before another hearing is arranged.

However, you are advised that failure to attend on the day of the hearing without advising the Appeal Clerk at the Town Hall that you wish your appeal to be re-scheduled (or cancelled), may result in you being charged for the cost of the interpreter requested (where appropriate) to attend at the scheduled time to assist you with your appeal.

### **At the Appeal**

The appeal will be as informal as possible. Although the decision of the Appeal Panel is a legal one and applies both to you and us, it is not a court of law. It is important to note that the Panel will be totally independent of the London Borough of Redbridge and Trinity Catholic High School.

Appeals are heard by an Independent Appeal Panel of three to five members of the public. The Panelists appointed to decide these appeals are volunteer members of the public, some may have experience in education.

There will also be a clerk and a representative from Trinity Catholic High School, who will explain why your child has not been offered a place at Trinity.

The clerk will make sure that the correct procedures are followed and will ensure that legal advice is provided if necessary. He or she will not take part in making any decision, but will record what the Panel decide. In the London Borough of Redbridge, the clerk is from the Legal and Constitutional Services, which is not part of the Children's Services. Sometimes if the Panel need extra help on points of law, advice will be given by Redbridge's Chief Legal Officer.

### **What happens at an appeal hearing?**

The Appeal Panel must first consider:

- a. Whether the admission arrangements complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998; and
- b. Whether the admission arrangements were correctly and impartially applied.

The Appeal Panel must then decide whether the admission of an additional child would prejudice the provision of efficient education or the efficient use of resources.

The Appeal Panel must uphold your appeal at the first stage where:

- a. It finds that the admission arrangements did not comply with admission law or had not been correctly and impartially applied, and your child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
- b. It finds the admission of additional children would not prejudice the provision of efficient education or efficient use of resources.

The Appeal Panel must proceed to the second stage where:

- a. It finds that the admission arrangements did comply with admissions law and that they were correctly and impartially applied to your child; or
- b. It finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied but that, if they had complied and had been correctly and impartially applied, your child would not have been offered a place; or
- c. It finds that the admission of additional children would prejudice the provision of efficient education or the efficient use of resources.

The Appeal Panel must balance the prejudice to the school against your case for your child to be admitted to the school. If they decide that your case does not outweigh the prejudice to the school, they **must** refuse your appeal.

It is also likely that an Appeal Panel would consider it reasonable for a child to be refused a place at their nearest school if other children had higher priority for the places available, even if this resulted in you being offered a school place some distance from your home.

### **What are Grouped Appeals?**

This takes place when there are several appeals for one school (usually Year 6 to Year 7 transition), when the hearing will take place in two parts, which may be on different days.

All parents are invited to attend the first part of the hearing as a group. Whenever possible, a representative from the school, such as the Headteacher or Governor, may also attend to answer questions.

The admission authority's representative, the Presenting Officer, will present their case, explaining why the school is full and cannot take any more pupils into that year group. All parents and Panel members will then be invited to ask questions about the case the Presenting Officer has made.

If the Panel decides that the year group is full, you will be asked to attend the second stage of the hearing. It is important that you try and attend both parts of the hearing. The group session will be your only opportunity to ask questions of the admission authority's representative relating to the first part of the hearing.

The second part of the hearing is just about your child and held in private. The Clerk will again invite you and the Presenting Officer to go into the hearing.

You will be asked to explain your reasons for wanting a place at the school, and why you think the admission authority has made a mistake or applied to the admissions policy unreasonably. You can be asked questions about this (Please note that the Presenting Officer will not go over the information that was presented at the group session).

The Presenting Officer can sum up or add additional comments.

You can then add your final comments. You and the Presenting Officer will then leave the hearing. When all the parents have made their own comments at their separate private hearing, the Panel will consider each case, and make its decision.

## **Making Your Case**

It is helpful for the Panel members to hear why you have chosen Trinity Catholic High School. Simply saying “It’s the one my child wants to go to” is unlikely to be enough. Of course, each appeal is different and there can be many reasons for wanting a particular school.

Reasons provided in the past have included:

- A sibling already in the School;
- Strong family links, for example all your children have gone there in the past so you know the staff well;
- The journey to the alternative schools offered may be difficult due to your work arrangements, or you may to take other children to another school;
- Health difficulties of family members other than your child.
- The religious character of our School.
- A strong preference for a particular curriculum or specialisation which is not available in other schools;

But, giving these reasons does not necessarily mean that your appeal will be allowed.

**It is important for us to mention that relatively few appeals indeed are successful and usually only where there are exceptional circumstances, however, each appeal is heard on its own merits.**

## **Reaching the Decision**

**At the end of the hearings, the Appeal Panel will need time to make their decision and they do this without parents or Trinity Catholic High School’s representative present.**

The Appeal Panel’s job is to weigh up the arguments for and against your child’s admission, taking into account your case and ours. Your child will be awarded a place at the school **only** if the Panel finds your case to be the stronger. If not, the decision not to offer your child a place will be upheld.

If the Appeal Panel is hearing more than one appeal for the same year group at the same school (multiple appeals) it must balance the arguments for each appeal on an individual basis. However, if the Appeal Panel finds that there are more appeals that outweigh the prejudice to the school than the school could cope with, it must compare the cases and only allow those appeals with the strongest case for admission.

More information about this can be found in the DfE School Admission Appeals Code which is available from the Department of Education on their website.

<https://www.gov.uk/government/publications/admission-appeals-for-school-places/advice-for-parents-and-guardians-on-school-admission-appeals>

## **When will I know the decision?**

If the Appeal Panel is considering a large number of appeals about the same school, it will not make a decision about an individual case until all parents have had a chance to put their case forward. They may need more time to make their decisions.

If there are appeals for the same schools over several days, a decision will only be made after **all** the appeals have been heard. The clerk will tell you if it will take longer. You can telephone the Clerk in the Legal and Constitutional Team the next working day, they will give you the number at the end of the hearing. Once the decision has been made, the Appeal Panel will send you a letter giving the reasons for the decision, within 5 working days if possible.

### **After the Appeal**

What happens if my case is allowed?

Your child will be given a place at your preferred school, even though it is already full.

The school will be told and arrangements will be made for your child to be admitted as soon as possible from your child's and the School's point of view. For children transferring from primary to secondary school, this is usually at the beginning of the new school year.

What happens if my case is dismissed?

Your child's name will remain on the waiting list. His/her position will not change because of the appeal.

The decision of the Appeal Panel is binding on both the Admission Authority and the parents/carers. The Appeal Panel is completely independent of Trinity Catholic High School.

Please note that your appeal relates to one academic year. Repeat appeals relating to the same academic year, for the same school, are not considered unless there have been significant and material changes in circumstances relevant to the application.

What if I want to complain about the appeal hearing?

If you are unhappy about the way the appeals process was carried out, you have the right to contact The Local Government and Social Care Ombudsman on <https://www.lgo.org.uk/>. Please note this is not a further appeal and the Ombudsman cannot offer you the school you want if they decide in your favour, but you could have a further appeal if maladministration is established.