

## COLLEGE APPEALS

If your child is not offered a place at Newman RC College, parents have the right to appeal against that decision to an Independent Appeal Panel.

**Independent Appeals Panel:** If an application for admission has been turned down by the Governing Body, parents have the right to appeal to an Independent Appeals Panel. Parents must be allowed at least **twenty college days** from the date of notification that their application was unsuccessful to submit that appeal. Parents must give reasons for appealing in writing and the decision of the Appeals Panel is binding on the Governors. Parents should apply via the Local Authority and complete an appeals form provided for the purpose. Any supporting evidence should be provided with the appeal document.

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*This information is in accordance with the School Admission Appeal Code 2022, you can access the Local Authority (LA) guidance here: [School appeals | School appeals | Oldham Council](#)*

### LA Guidance

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 admission authority is unable to admit further pupils.

Under the School Standards and Framework Act 1998, if you are refused admission to a school, you have the right to submit an appeal to an Independent Appeals Panel.

If you want to appeal about more than one school that you have applied for and been refused admission to you will need to appeal separately about each decision. However, you may only appeal for any school once each school year unless there has been a significant change in your circumstances.

At the Appeal Hearing you are given the opportunity to explain to a panel of people who are independent of the school and the Local Authority why you wish your child to go to your preferred school.

### How to submit an 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 your preferred school.

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 school you are appealing for is the only school that can meet the medical needs of your or your child and why alternative schools that have been offered cannot meet those needs.

## **Documentary evidence**

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If you have any documentary evidence to support your appeal send a copy with your appeal form to:  
**Oldham Council,**

School Appeals,  
Level 4,  
West Street,  
Oldham,  
OL1 1UL

Links for appeal form: [Appeal form](#) (.PDF) / [Appeal form](#) (MS Word) Years 3 to 11 - Use this form for appeals unless infant class legislation applies. Year 3 to 11.

### **APPEAL DATES – SECONDARY SCHOOL ADMISSIONS 2023 TIMELINE**

- Appeal form is available from **1<sup>st</sup> March 2023**
- You will be given **10 school days’ notice of the date and time of the hearing** by the Local Authority School Appeal Officer
- The **closing date** to submit an appeal form to the Local Authority is **14<sup>th</sup> April 2023** – this enables **20 days from the date of notification to prepare/lodge an appeal**
- The admission authority (Newman Catholic College) will be given a return date by the LA to submit the schools case back to them at minimum, 1 week
- Parents will be given **10 school days’ notice of the date and the time of the hearing** – this will be undertaken by the by the Local Authority School Appeal Officer
- Parents have the opportunity to submit additional evidence up to and including the date of the hearing **\* please see note below**
- **The last date for appeal hearings is 10th July 2023**
- The LA appeals clerk will notify all parties of the Independent Appeal panel’s decision in writing, usually **within 5 working days**

## **Appeals process**

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**The date of the appeal will be arranged by an officer from the SCHOOL APPEALS TEAM at Oldham Local Authority**

On receipt of the appeal form from the Local Authority appeal team, Newman Catholic College are given the date, by which to submit the school case back to the Local Authority. This varies depending on when the parents appeal was initially lodged. The college have at least one week within which to return the relevant schools case.

**\*** the parents lodging the appeal can submit their appeal first and send in relevant evidence at any point up to the day of the appeal hearing, however, depending on the size of the evidence submitted this would be up to the discretion of the Independent Appeal Panel whether to include or reschedule the hearing, depending on whether there is appropriate time to read through further evidence if submitted at the last minute. It would be helpful if evidence could be submitted in an appropriate timescale where possible.

The appeals are usually heard remotely by video conference via MS Teams however if you are unable to access this platform please advise the officer from the Local Authority appeals team as soon as possible so that alternative arrangements can be made.

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

- **Appeals for both primary and 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.**

**Appeal hearings in the normal admissions round are usually held between May and July.**

The Local Authority will endeavour to timetable appeals for late applications 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 Local Authority appeals team will send you a copy of the admission authority 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.

You can also ask someone to accompany you, but you should not bring your child to the hearing.

If you require additional facilities such as an interpreter you must advise the Local Authority 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**

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There are usually three or five trained voluntary people on the Appeal Panel who are all completely independent of the Local Authority and the school you are appealing for.

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.

For voluntary aided schools the panel may include a diocesan representative.

Advising the Appeals Panel is a clerk who is legally trained and will ensure that the correct procedures are followed.

The clerk must also 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.

Only the members of the Independent Appeal Panel make the decision on whether to allow your appeal or not.

The clerk, the admission authority representative or the Local Authority are not included in the decision-making.

## Appeal hearing

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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.

### **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 in the hearing.
2. The Local Authority or school representative (dependent on who is the admission authority for the school in question) 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 their case.
5. You will be asked to present your case.
6. The admission authority may ask you questions.
7. The Panel members may ask you questions.
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.

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.

## Decision-making process

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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.

### Normal prejudice appeals

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.

### **Is there a further appeal?**

The decision of the Independent Appeals Panel is final and binding upon the admission authority 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.

## However:

If you feel that your appeal hearing (not for an Academy) was not managed properly you can complain to the Local Government Ombudsman, but the LGO is only able to recommend that your appeal is heard again before a new panel, and cannot overturn the decision.

The Secretary of State for Education cannot review or change decisions of Independent Appeal Panels, but can consider whether the admission authority has correctly constituted the Appeal Panel, and whether it has acted reasonably in exercising the functions in respect of the appeal process (complaints in respect of Academies must be referred here).

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.

## Contacts

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### Oldham Council School Appeals

Level 4, Civic Centre

West Street

Oldham OL1 1UL

Email: [schoolappeals@oldham.gov.uk](mailto:schoolappeals@oldham.gov.uk)

Phone: 0161 770 4213

- [Local Government Ombudsman](#)
- [The Secretary of State, Department for Children](#)
- [Office of the Schools Adjudicator](#)
- [Advisory Centre for Education \(ACE\)](#) Phone: 0300 0115 142

ACE offers a comprehensive range of advice and information on education issues. Information is based on current education law and guidance and covers state funded education for children aged 5-16 years in England only.