



## Admission Appeals

The Harmony Trust Admission Appeals Policy for the following academies:-

- Alvaston Junior Academy
- Ashcroft Primary Academy
- Carlyle Infant & Nursery Academy
- Cavendish Junior Academy
- Cottons Farm Primary Academy
- Hackwood Primary Academy
- Lakeside Primary Academy
- Reigate Park Primary Academy
- Village Primary Academy

<b>Description</b>	<b>By whom</b>	<b>Dated</b>
Written / LA Quality Assured Approved	TM Board of Directors	Mar 2015 23/11/15
Revised (Northmoor inclusion – no content change)	TM Board of Trustees approval	Mar 2016 26/9/16
Reviewed	TM – no changes	26/7/17
Revised – Derby Academy removed	JG	7.9.19
Revised Derby Academies - Covid -19	JG	4.20



## Appeals

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, The Harmony Trust 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.

## Request the form

On receipt of the school place letter from Derby City Council, contact the academy where you wish your child to attend using the academy's [info@'academyname'.theharmonytrust.org](mailto:info@'academyname'.theharmonytrust.org) e.g. [Info@carlyle.theharmonytrust.org](mailto:Info@carlyle.theharmonytrust.org) or by telephoning the academy and requesting an appeal form. The academy will then email or post you the appeal application form which should be completed and returned to the academy with any supporting evidence. The academy will make a record of the appeal and forward the documents to Derby City Council who deal with all The Harmony Trust pupil place appeals.



## Documentary evidence

If you have any documentary evidence to support your appeal send a copy with your appeal form to the academy where you are requesting a place.

## The appeal process

For Harmony Trust Derby Academies appeals are dealt with by the Derby City Council. If you are appealing for an **intake year**, please see the timetable below.

Please note this may be subject to alteration as a result of the Covid-19 virus lock-down situation.

Please visit Derby city council website to check the latest information

### Derby City Council – School Appeals Timetable 2020-2021

#### Primary School Appeals

Action	Date
National offer date for all Infant/Junior and Primary Schools	Thursday 16 April 2020
Closing date for all Infant, Junior and Primary school appeals for Community or Voluntary Controlled Schools. NB: for details of appeal closure dates for Academies, Foundation Schools or Voluntary Aided Schools please contact the school directly	Wednesday 03 June 2020
Infant/Junior and Primary School appeal hearing dates for Community or Voluntary Controlled Schools. NB: for details of appeal dates for Academies, Foundation Schools or Voluntary Aided Schools please contact the school directly	Monday 22 – Friday 26 June 2020 w/c 29 June 2020 w/c 6 July 2020 w/c 13 July 2020 w/c 20 July 2020
Catch Up Week	w/c 10 August 2020

If you are appealing for a school **in-year**, the deadline for returning appeal forms will be at least 20 school days from the date of the decision letter.



## Infant class size prejudice appeals

Infant classes must not contain more than 30 children taught by one teacher, and schools may refuse admission on the grounds of infant class size prejudice.

The Panel can only uphold appeals where they are satisfied that either:

- (a) the child would have been offered a place if the admission arrangements had been properly implemented
- (b) the child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code and the School Standards and Framework Act 1998; and/or
- (c) the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

You may still talk about your personal, social and domestic circumstances during an infant class size appeal however the Independent Appeal Panel is only allowed to grant an appeal if it meets one of the criteria above.

Please read the guidance notes provided by the council before making an appeal.

The date of the appeal will be arranged by an officer from Appeals Business Manager at Derby City Council.

The appeals are usually heard in the Council Offices at The Council House, Corporation Street Derby.

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

- Appeals for primary 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.

The process of appeals to the Independent Panel for Admission to Schools commences in July. Please note that timelines for appeals in 2020 may be affected by Covid-19 arrangements.

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 Appeal Support Services 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 Appeals Support Services 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.

## The panel members

There are usually three or five trained voluntary people on the Appeal Panel who are all completely independent of the Harmony Trust, the school and the Local Authority. 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 school, the Harmony Trust or the Local Authority are not included in the decision-making.

## The appeal hearing

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 room.
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.

### **The decision making process**

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 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 was not managed properly you can refer to :-  
The Secretary of State for Education although they 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 (all 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 / further information / help**

Chief Executive: Mr Antony Hughes

The Harmony Trust, Northmoor Academy, Alderson St, Oldham, OL9 6AQ  
0161 260 0482 | [info@theharmonytrust.org](mailto:info@theharmonytrust.org) | [www.theharmonytrust.org](http://www.theharmonytrust.org)



## THE HARMONY TRUST

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Contact details for further information are listed below

Appeals Business Manager| Corporate Resources Directorate, Derby City Council,  
1st Floor, The Council House, Corporation Street, Derby, DE1 2FS | Telephone  
01332 64 3651 | [www.derby.gov.uk](http://www.derby.gov.uk)

The Secretary of State, Department for Children  
Schools and Families  
Castle View House  
East Lane  
Runcorn  
Cheshire WA7 2G7  
Phone 0870 000 2288

Office of the Schools Adjudicator  
Mowden Hall  
Staindrop Road  
Darlington DL3 9BG  
Phone: 01325 735303  
Advisory Centre for Education (ACE)  
Website: ACE Advice and Information Service  
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.