



# SCHOOL ADMISSIONS APPEALS



September 2018



# Introduction

To Parents/Carers

This booklet will be of interest to those parents/carers who have not been able to obtain a place for their child in the school of their choice.

This booklet deals with the admission appeals for all Manchester schools where the local authority is the admission authority. If you are appealing for a school where they are their own admission authority, you will need to contact the school direct. You can also contact the School Admissions Team (see point 32), who will be able to advise you further.

The School Standards and Framework Act 1998 gives parents the right to express a preference for the particular school(s) they wish their child to attend.

If your request for a place at a particular school has been refused in writing by the admission authority, you can:

- i) Appeal: you have the right to appeal against the admission authority's decision to refuse the admission.
- ii) Contact the local authority's Admissions Team to ask about vacancies in other schools (contact details at the back of the booklet).



# 1 How do I find a school for my child to attend?

If you are told there is no place available at your preferred school, you should contact the School Admissions Team – contact details can be found in point 32 of this booklet. There are details of all Manchester Schools available at [manchester.gov.uk/admissions](http://manchester.gov.uk/admissions).

If you do not have internet access, the School Admissions Team and all Manchester Schools can provide you with printed booklets.

# 2 How do school waiting lists operate?

School waiting lists for community and voluntary controlled schools are maintained by the School Admissions Team. Each child on a school waiting list is given a category as described in the admissions booklet. Children are then put in priority order according to these categories. If a place becomes available in the relevant year group, the child at the top of the list can be admitted to the school. At the end of the term, all applicants will be removed from all waiting lists and you will have to reapply in order for your child to remain on the waiting list for the next term. The only exception will be if the applicant has not been offered a place at any Manchester school. Waiting lists for other types of schools are maintained by the schools.

# 3 I have considered all the other schools available but I still want my child to go to the original school. What should I do?

You are entitled to appeal against the admission authority's decision to refuse your child a place at the school of your choice. You can download the form from the website address or complete the appeal form enclosed in the middle of this booklet and return it to the address shown or complete the appeal form on-line at:- [www.manchester.gov.uk/schoolappeals](http://www.manchester.gov.uk/schoolappeals)

## 4 When can I not appeal?

If your child has been permanently excluded from two or more schools, you cannot appeal for two years from the date of the latest exclusion.

## 5 When should I appeal for a primary school place?

You should appeal when you have been refused a place in writing at your preferred school and you have considered other primary schools for your child.

If your child is beyond the reception class age, you can appeal after you have been told in writing of the admission authority's decision to refuse admission in the year for which you have applied.

Under Government legislation, infant classes must not contain more than 30 pupils with a single schoolteacher. If a place has been refused on the grounds of infant-class size, an appeal can only be upheld if:

- 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 Part 3 of the School Standards and Framework Act 1998.
- c) The decision to refuse admission was not one a reasonable admission authority would have made in the circumstances.

## 6 Is there a deadline for me to submit my appeal for a primary school place?

If you wish to ensure that your appeal for a reception place is considered before the start of the autumn term, you should submit your appeal form by 18 May 2018 (see note 33 for where to submit your appeal).

## 7 When should I appeal for a secondary school place for Year 7 in September 2018?

You should submit your appeal form by 30 March 2018 if you want to ensure that your appeal is considered before the start of the autumn term (see note 33 for where to submit your appeal).

If your child is not transferring from Year 6 to Year 7, you can appeal after you have been refused a place in writing in that particular year group.

## 8 How long will it take for my appeal to be heard?

- a) Appeals for entry into Year 7 at secondary school in September 2018 received by the published deadline date of 30 March 2018 should be heard by the middle of June 2018.
- b) Appeals for entry into reception class in September 2018, received by the published deadline date of 18 May 2018, should be heard before the end of the 2018 summer term.

If you miss the deadline for a reception appeal, then it could be during the summer holidays, or even September or October 2018 before your appeal is heard. This is because it can be difficult to arrange some appeal hearings while the schools are closed for the summer.

- c) Appeals for in-year admissions must be heard within 30 school days of the appeal being lodged.



## 9 Why does it take so long?

The appeals process is laid down by legislation and correct procedures must be followed. They have been drawn up to ensure that both you and the admission authority have an equal opportunity to prepare the case for presentation to the Independent Appeals Panel. Once your appeal form has been received, the Admissions Officer gathers all the relevant information together (which usually also means contact with the school you have appealed for) and prepares a statement giving the reason why a school place is not available. The panel will then consider this alongside your case.

Panel members have a statutory duty to act in accordance with the following Acts and Codes:

- (i) The School Standards and Framework Act 1998 as amended by subsequent legislation and case law.
- (ii) The Codes on School Admissions and School Admission Appeals, which have been produced by the Department for Education.

Arrangements will be made to call a hearing of the Independent Appeals Panel and you will be notified of this date at least ten school days prior to the hearing date.

## 10 What if the school I am appealing for is a Roman Catholic primary/secondary school?

The governors of voluntary aided schools are responsible for arranging for an independent panel to hear appeals against a decision to refuse admission to a school. The panel will hear the appeal in accordance with a Code of Practice that has been drawn up in consultation with the Council on Tribunals. For information about appeals for these schools contact the Clerk to the Appeals Panel on 0161 234 3038 or [school.appeals@manchester.gov.uk](mailto:school.appeals@manchester.gov.uk)

## 11 What should I put as my reasons for appeal?

If you wish to appeal, you must complete the appeal form setting out your grounds for your appeal in writing. The admission authority must not limit the grounds on which an appeal can be made. If you also wish to submit any further supporting evidence, you can do so by a specified deadline that the Clerk to the Independent Appeals Panel will inform you of in writing. If any of your evidence arrives after this date, the panel has to decide whether to accept it before the hearing commences.

Remember that you are appealing for a school rather than against the one you have been allocated.

## 12 Need I submit written medical evidence?

If there are medical reasons why a parent wishes their child to go to a particular school, they must submit this as written medical evidence. It is the responsibility of the parent (and not the admission authority) to obtain such evidence from either the child's doctor or hospital.

## 13 I don't wish my child to miss any education before the appeal is considered. What should I do?

You have a duty to ensure that your child is educated. You should arrange for your child to start at the school that has been offered to you. This will not adversely affect your appeal.

The Admissions Officer will endeavour to offer an alternative school while you are waiting for your appeal to be heard.

## 14 Who will consider my appeal?

Your appeal will be heard by an Independent Appeals Panel (see note 20).

## 15 Group appeals - what are group admission appeals?

Where there are a large number of appeals for a particular school, parents may be invited to attend at the same time to hear the admission authority's presentation. The panel and all parents appealing for school places will then be able to put questions to the representative from the admission authority.

The panel then determines whether the admission authority has proved it would be prejudicial to the provision of efficient education and the efficient use of resources to admit more children to that year group. If the panel does not find this to be the case, all appeals will be granted.

If the panel finds that prejudice has been proved, you and all the other parents will be invited to make your individual cases to the panel at the times allocated. The panel and the admission authority representatives will then be able to ask you questions.

## 16 What does the Appeals Panel consider?

- The Appeal Statement prepared by the admission authority.
- The appeal form submitted by the parent/carer.
- Any other written evidence submitted by the Presenting Officer.
- Any other written evidence submitted by the parent/carer.

A copy of the Appeal Statement will be sent to you by the Clerk approximately a week before the appeal hearing.

## 17 How does the Appeals Panel reach its decision?

The panel will carefully consider all the evidence presented before reaching a decision.

## 18 What will happen at the hearing?

The hearing will be as informal as possible and the chair will try to put you at ease. The panel has to follow a certain procedure. Details of the procedure will be sent to you by the Clerk when you are told of the arrangements.

## 19 Who attends the panel hearing?

The following parties attend the Independent Appeals Panel hearing:

- The Independent Appeals Panel (see note 20).
- The Clerk to the Independent Appeals Panel.
- The Presenting Officer from the admission authority and possibly a representative of the school you have appealed for.
- An interpreter – the Clerk can arrange one for you if requested beforehand.
- Yourself/representative – if you choose to bring a representative, they must not be a representative of the school that is the subject of the appeal, as this could create a conflict of interest and be unfair to other parents who are appealing.

## 20 Who makes up the Independent Appeals Panel?

The Appeals Panel consists of three members. The panel will comprise one person from each of the categories below:

- (a) At least one person experienced in education who is acquainted with educational conditions in the area or who is the parent of a registered pupil at a school
- (b) At least one lay member. Lay members are persons without personal experience in the management or provision of education in any school (although lay members may have experience as governors of other schools or have been involved in education in any other voluntary capacity).

The third panel member will be from either (a) or (b).

The chair may either be a lay member or a person experienced in education.

None of the Appeals Panel will have any former knowledge of the case other than your appeal form and the admission authority's statement. All members of the Appeals Panel are independent of the school and the admission authority.

## 21 Should I attend the Appeals Panel hearing?

You can choose whether to attend the hearing or not. Often, people can explain things more fully face to face than by putting their thoughts down in writing. If you do attend, you will be able to answer any questions asked by the panel. Each case is likely to last for about 20 minutes, although there is no set time limit.

If you decide not to attend the hearing, the panel will consider and determine the appeal in your absence. In this situation the appeal will be dealt with by reference to the written information submitted by both the admission authority and yourself. It is therefore important that you tell the panel in writing everything you want them to take into account.

At the appeal hearing, one of the aims of the panel is to make sure that you get a full and fair hearing.

## 22 Can I have legal representation?

Yes, but it is not necessary as the hearing is not a Court of Law and we endeavour to keep the hearing as informal as possible. The Presenting Officer will not usually have a solicitor present.

## 23 When and where are Appeals Panel hearings held?

Usually, appeals are held around the city at venues in the same neighbourhood as the schools. If a local venue cannot be arranged, then the appeal will be held in a city centre venue. This is normally the Town Hall or a building nearby, close to the Albert Square bus routes and the St Peter's Square tram stop. You will be notified of the venue at least ten school days prior to the appeal hearing.

## 24 Is there access for the disabled at the Town Hall?

Yes. All meeting rooms used will be fully accessible to all, regardless of any disability.

## 25 What if I am unable to attend on the date given to me?

You should ring the Clerk immediately to arrange for a new date (see note 33 for contact details).

## 26 What happens if I decide not to attend?

If you have indicated on your appeals form that you wish to attend the hearing but subsequently decide not to, it is *extremely important* that you inform the Clerk to the Independent Appeals as soon as possible – telephone number 0161 234 3038.

If you fail to attend on the day of the hearing and have not notified the Clerk prior to this date, it may be impractical to offer an alternative date; therefore, the Appeals Panel may go ahead and make its decision on the written information you have submitted.

## 27 Will I be told of the decision of the Appeals Panel?

Yes. You will be notified by letter no later than five school days after the hearing.

## 28 Is the decision of the Appeals Panel final?

Yes. The decision is binding on the admission authority unless it is overturned by a Court of Law.

## 29 What do I do if my appeal is refused?

As previously stated, parents are under a duty to ensure that their children are educated. You should find an alternative school for your child as soon as possible and you may wish to discuss your available options again with the Admissions Team.

## 30 If my appeal is refused, can I appeal again?

For any particular school you can only appeal once per year. However, when there are significant and material changes in the circumstances of the parent or school, eg. when a family changes home address, the Clerk to the Appeals Panel would then consider whether a further appeal could be heard.

## 31 My child is not yet five years old. Can I appeal for a place at a nursery?

No. The appeals system only applies to primary and high schools.

## 32 How do I contact the Admissions Team?

Email: [school.admissions@manchester.gov.uk](mailto:school.admissions@manchester.gov.uk)

By post:  
PO Box 532, Town Hall,  
Albert Square, Manchester  
M60 2LA

Phone: 0161 245 7166  
There is a phone queuing system.

## 33 How do I contact the Clerk to the Independent Appeals?

All appeal forms should be sent by post to:  
The Clerk to the Independent Appeals, PO Box 532,  
Town Hall Extension, Albert Square, Manchester M60 2LA

Web: [manchester.gov.uk/schoolappeals](http://manchester.gov.uk/schoolappeals)  
Email: [school.appeals@manchester.gov.uk](mailto:school.appeals@manchester.gov.uk)  
Phone: 0161 234 3038

## 34 What if I wish to complain about the way my appeal has been dealt with?

You should first write to:  
The Clerk to the Independent Education Appeals Panel,  
c/o City Solicitor, PO Box 532, Town Hall Extension, Manchester M60 2LA

Please state exactly what your complaint is. The Clerk will investigate your complaint and reply to you. If you are not satisfied with the response, you may submit a formal complaint to:

The Local Government Ombudsman,  
PO Box 4771, Coventry CU4 0EH

For an appeal for a place at an Academy:  
Admission Appeal Complaints, Academies Central Unit,  
Education Funding Agency, Earlsdon Park,  
Butts Road, Coventry CV1 3BH

Other local authorities

Bolton	01204 333 333	Rochdale	01706 925 982
Bury	0161 253 5000	Salford	0161 793 2500
Cheshire East	0300 123 5012	Stockport	0161 217 6022
Cheshire West and Chester	0300 123 7039	Tameside	0161 342 3214
Oldham	0161 770 4213	Trafford	0161 912 5007
		Wigan	01942 489013

# 35 Other useful reading

Schools Standards and Framework Act 1998  
School Admissions Code 2014  
School Admission Appeals Code 2012  
Applying for your child's primary school place  
Applying for your child's secondary school place



