

**Admission Appeals for Year 3 Classes and Above  
(Key Stage 2 upwards)**

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## 1. General information

Following Covid we have returned to hearing Appeals face to face as far as possible, however this may be subject to change, dependant on the current Covid situation, or the capacity for parties to attend. If we are unable to hear an Appeal face to face for whatever reason we will hear it via Zoom. We will keep you notified of this, and support where necessary to attend in this way.

If we have to hear an Appeal via Zoom, or you choose to participate in this way, please be aware that we do not give permission for the session to be recorded. Please also be aware of where you are when you are attending, remembering that the other participants can see you, and also in terms of the information you might be sharing, who else might be able to hear you.

As Appeal Clerks are largely still working from home. As far as possible we will communicate with you by email, including sending you copies of Appeal paperwork and your decision letter. Depending on the information we are sharing with you, we may need to password protect the information. We will either agree a password with you in advance or email you separately with a password that we will use for your documents. If you need help in opening these documents, just let us know.

## 2. Before you lodge your appeal

### 2.1 Before you lodge your appeal – the data

If your child has been refused a place at the school of your choice, you have the right to appeal to an Independent Appeal Panel. The Appeal Panel will hear evidence from the admission authority as to why your child cannot go to the school, and from you (you are known as the appellant) as to why you think your child should go to the school. They then make an informed decision on your case.

It can be difficult to win an appeal. The grounds an Appeal Panel can consider are limited, and nationally in 2021-22, only 21.1% of these secondary school appeals, and 33.2% of these older primary school appeals (key stage 2 and above) were successful.

### 2.2 Grounds for upholding an appeal

By law an appeal for a school place in Key Stage 2 and above can only be successful if the following circumstances apply. You are advised to consider carefully whether your case falls within the grounds.

- a) Whether the admissions arrangements complied with the law.
- b) Whether the admission arrangements were applied correctly and fairly in the case of your child.
- c) Whether or not admitting an extra child would adversely impact on the provision of education at the school.

### 3. What to expect before your appeal hearing

#### 3.1 Before the appeal hearing

The Clerk will invite you to a hearing to present your case. You will be given at least 10 school days' notice of the date and time and venue of the hearing (unless you agree to a shorter notice period). The Clerk will send a copy of the information that the Admission Authority will present to the hearing, before the set date. This will include the reasons why the school has refused your child a place. You will also receive the names of the panel members. If you have any further evidence to support your appeal, you **must** provide this to the Clerk **at least 7 working days before the Hearing**. The Panel does not usually accept evidence after that date.

#### 3.2 Evidence for your appeal

Any evidence you want the panel to consider must be submitted in advance of the Hearing or it may not be considered. Where applicable, this evidence should also have been provided to the school at the time of your application. For example, if your case is based on medical or social reasons then you should provide written evidence from a doctor, medical practitioner or other professional to support this.

### 4. What to expect at the appeal hearing

#### 4.1 Attending the appeal hearing

You can choose to be accompanied at the Hearing by a friend or be represented by a friend or some other person. An employee of the school in question cannot attend in this capacity or provide letters of support. If you wish to bring a witness with you, please let the clerk know as soon as possible. The evidence to be given by witnesses must be relevant to the issues involved in the appeal and not just repeat information provided by another party. If you need further advice please contact the clerk.

If you attend the Hearing you will be given time to present your case and are free to talk about personal factors, such as the convenience of the journey between your home and the school at the appeal Hearing, but in this type of appeal the panel cannot take them into account unless they are relevant to the very limited circumstances outlined above. If you do not attend the Hearing, the Appeal Panel will hear your appeal based on the written information you have provided.

The Appeal Panel is made up of at least three trained members: a person with experience of education, a lay person (without personal experience of provision of education) and a Chair. The Clerk is independent of the Panel and the Admission Authority, does not take part in the decision making and ensures that the Panel follows the correct procedure.

#### 4.2 The appeal hearing – single appeals

The procedure outlined below is for when there is **only one** appeal for a year group at a school. The process is slightly different for a multiple appeal. The procedure for a multiple appeal is detailed in section 6.

The hearing will be as informal as possible and will be heard in private. The Chair of the Appeal Panel introduces everyone and explains the order of the proceedings as follows:

### Stage 1

1. Case for the Admission Authority (representing the school)
2. Questioning by you (the appellant) and Panel

### Stage 2

3. Case for the appellant – this is your chance to present your case
4. Questioning by the Admission Authority and Panel
5. Summing up by the Admission Authority
6. Summing up by you (the appellant)

When the Appeals Panel has heard all of the evidence at the end of both stages, you and the Admission Authority representative will be asked to leave.

## 4.3 The Decision

The Appeal Panel makes its decision in 2 stages:

**Stage 1 – Examining the decision to refuse admission.** After the Admission Authority has presented its case, the Panel will consider whether:

- a) the admissions arrangements complied with the law.
- b) the admission arrangements were applied correctly and fairly in the case of your child.
- c) admitting an extra child would adversely impact on the provision of education at the school.

The appeal can be upheld at this first stage **only** for the following reasons:

- If there was a mistake in the admission arrangements or the admission authority did not comply with the law and your child would have been offered a place at the school if this had not happened; **or**
- If admitting an extra child to the school would not adversely impact on the provision of education at the school.

If the appeal is not upheld at Stage 1, the Panel will move to Stage 2.

**Stage 2 – Balancing the Arguments.** The Appeal Panel will then go to carefully consider the case for the admission authority against the case for your child and decide which of the two cases is the strongest. When considering your case, the Panel will want to know why you want your child to go to this particular school and what it can offer that other schools cannot. The Appeal Panel will then arrive at their decision.

## 4.4 Multiple appeals

If you are appealing after being refused a school place on ‘national offer day’ then it is likely that your appeal will be heard as a multiple appeal. A multiple appeal is when there is more than one appeal for the same year group at a school.

Where a number of appeals have been received for the same year group at a school it is expected that the same panel will consider all the appeals for that school at the same hearing. In those circumstances the procedure outlined in paragraph 4.2 will be divided into two parts with all appellants invited to attend Stage 1 at the same time with a private individual appointment for Stage 2.

## 5. What to expect after your appeal hearing

### 5.1 After the hearing

You will be emailed the outcome of your Appeal the day after the Appeal is held. The Clerk will also write to you, usually within 5 working days of the Hearing, advising you of the Appeal Panel decision and the reasons why they came to that decision. The decision is binding on you and the school and can only be overturned through the courts by Judicial Review.

If your Appeal was not successful, you can contact the Admissions and Information Service for advice on places at other schools: Contact telephone number: 0191 2787878 email: [admissions.information@newcastle.gov.uk](mailto:admissions.information@newcastle.gov.uk)

**For a non-Academy school:** If you believe the Appeal was not conducted properly you may complain to the Local Government & Social Care Ombudsman (LGO). Telephone: 0300 0610614 or follow the links on <http://www.lgo.org.uk>

**For an Academy school:** If you believe that the Appeal was not conducted properly (for example, there were only two Panel members) you may complain to the Education and Skills Funding Agency, and follow the links from their website: [www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure](http://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure).

You cannot appeal twice in the same school year for a place at the same school unless there is a major change in your circumstances. You can apply for a place at the school in the following year and if your application is refused you have the right to appeal again.

## 6. Frequently asked questions – before the appeal

### 6.1 What is an admission appeal?

If a parent or carer is refused the school of their choice they are entitled to appeal against the decision. An Education Appeal Panel is a formal procedure held in accordance with the School Admission Appeals Code, and is independent of the council, the Admission Authority, and the school. It is the opportunity for the Admission Authority to present why your child was not offered a place at the school of your choice, and for you to present why you feel your child needs to go to that school. Both cases are heard by an independent Panel who will reach a decision on whether your child should be admitted to that school.

### 6.2 How quickly do you have to hear my appeal?

- For school applications made in the normal admissions round appeals must be heard within 40 school days.
- For late applications appeals should be heard within 40 school days from the deadline for lodging Appeals where possible, or within 30 school days of the Appeal being lodged.
- An in-year admission Appeal must be heard within 30 school days.
- For applications to sixth forms the deadline is 30 school days if the offer would have been conditional upon exam results or 40 school days if the offer would not have been conditional upon exam results.

We do not routinely acknowledge receipt of appeal forms, if you would like to confirm that we have received your form, please email us on [schoolappeals@newcastle.gov.uk](mailto:schoolappeals@newcastle.gov.uk) or contact the Clerk on 0191 277 7427.

### 6.3 What support can I have if I choose to appeal?

We can help you with an interpreter for the Appeal. Please advise us if you think this would help.

The Admissions and Information team are always there to help you find a school for your child and can be contacted even if you have an Appeal pending. You can decide to withdraw your Appeal if you find a place for your child you are happy with.

### 6.4 What are the grounds for going to appeal?

You are advised to carefully consider your reasons for going to appeal. You will need to explain why you want your child to go to this particular school and what it can offer that other schools cannot.

### 6.5 What are not grounds for appeal?

Your childcare arrangements, working or study arrangements, transport difficulties, who else attends the school of your choice, your dissatisfaction with your allocated school, the fact that your child attended the feeder school and home to school distance generally are not grounds for appeal.



## 6.6 What can the appeal panel consider as part of my evidence?

The Panel has to consider the information and material that was available at the time that the Admission Authority made its decision about your child, and also evidence that you supply about your situation at that time (eg your address). You can submit anything you think is relevant which may support your case.

## 6.7 What can the appeal panel not consider?

Supporting information from the school you are appealing for.

## 6.8 How many appeals are successful?

The grounds an Appeal Panel can consider are limited. In 2021-22, nationally 33.2% of Key Stage 2 (years 2 to 6) appeals, and 21.1% of year 7 and above appeals were upheld.

## 6.9 Can I change my mind? Can I stop the appeal?

Yes, please inform the Clerk as soon as you decide you don't want to proceed with the Appeal.

## 6.10 Where can I find out more about admission appeals?

The Local Government and Social Care Ombudsman at:

<http://www.lgo.org.uk/publications/fact-sheets/complaints-about-school-admissions/>

The Advisory Centre for Education (ACE) at [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

The Department for Education website at:

[www.education.gov.uk/schools/adminandfinance/schooladmissions](http://www.education.gov.uk/schools/adminandfinance/schooladmissions)

The Government services and information website at:

<https://www.gov.uk/schools-admissions/appealing-a-schools-decision>

CORAM Children's Legal Centre at [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

Newcastle Law Centre at [www.newcastlelawcentre.co.uk](http://www.newcastlelawcentre.co.uk) can advise on school admission appeals. Email [reception@newcastlelawcentre.co.uk](mailto:reception@newcastlelawcentre.co.uk) or call 0191 2304777 for more information.

## 7. Frequently asked questions – during the appeal

### 7.1 What happens at the appeal?

- When it is time for your Appeal to be heard, everyone goes into the Hearing together: the Clerk, the Admission Authority representative and you.
- The Chair of the Appeal Panel introduces everyone and explains the order of the proceedings as follows:
  1. Stage 1 – Case for the Admission Authority. If there are a lot of appeals for the same school year group, all parents/carers who have submitted an appeal are invited to attend this part of the Hearing together but will put the case for their own child separately.
  2. Questioning by you (the appellant) and Panel.
  3. Stage 2 – Case for the appellant. This is your chance to present your case.
  4. Questioning by the Admission Authority and Panel.

5. Summing up by Admission Authority.
6. Summing up by you (the appellant).

- When the Appeal Panel has heard all the evidence, the Admission Authority representative and you will be asked to leave.

## **7.2 How long will it take?**

There is no set time limit, but most Appeals will take no longer than 45 minutes.

## **7.3 What is a multiple appeal?**

A multiple appeal happens when there is more than one appellant for the same year group in the same school. The Clerk brings the Appeals together, and the first stage of the appeal, the case from the Admission Authority, is heard with all appellants together. The second stage, the appellants individual cases, are then heard separately. Appellants will be asked to attend both stages.

## **7.4 Who will be at the appeal?**

At least three independent panel members who make decisions about your case, the Clerk who organises the Panel and ensures the Panel follows procedures, and the Admission Authority representative and possibly a representative from the school who will present why your child did not get a place.

## **7.5 Who are the Panel?**

The Panel is made up of at least three members; a person with experience of education, someone without direct experience of managing in education and a Chair. They are independent and will not know you, will not be familiar with your case, and will have had no involvement with the school you are appealing for. They are volunteers and are trained.

## **7.6 Can someone come with me?**

You can bring someone with you, but it is helpful for the Panel to know this in advance, and in what capacity they are coming (eg as a friend, for support, to advise you). You cannot bring someone with you from the school in question or the Admission Authority. We also understand that sometimes you may need to bring a child or your children with you.

## **7.7 What if I don't come to the appeal?**

We do ask you to let us know if you are planning to attend. If you don't turn up we will hear the Appeal in your absence based on the written information you have supplied. Your Appeal will not be considered any differently if you do not attend.

## **7.8 How does the Panel make their decision?**

The appeal is heard in two stages. When the panel hear information from the admission authority for the first stage they will decide whether the admission arrangements were lawful and correctly applied in your case and if the admission of your child would prejudice the education of others or the provision of resources. If the Panel decide at Stage 1 that any of the above do not apply then they can decide to uphold your Appeal and admit your child. If they decide that all of the above do apply they will move onto Stage 2 and hear your case.



In the case of a multiple Appeal, where the Panel decide at Stage 1 that **some** children could be admitted they must hear all of the Appeals at Stage 2 before they make a decision. The Panel read the information that has been supplied by yourself and the Admission Authority, listen to both parties and ask them questions. They consider the evidence, taking into account why you want your child to go to this particular school and why you think this would be best for your child, and they decide which case is strongest. The Panel do not all have to agree, and sometimes the decision may be made with a majority vote.

## 8. Frequently asked questions – after the appeal

### 8.1 How do I find out the result of the appeal?

You will be emailed the outcome of your Appeal the day after the Appeal is held. The Clerk will write to you, usually within 5 working days, advising you of the decision and the reasons why the Panel came to that decision.

### 8.2 What can I do if I'm not happy with the Panel decision?

If you believe the Appeal was not conducted properly you may complain to the Local Government and Social Care Ombudsman (LGO). Telephone 0300 0610614 or follow the links on <http://www.lgo.org.uk> The LGO may choose to investigate how the Appeal was conducted, however even if they find that procedures were not properly followed this does not mean that they will overturn the Panel's refusal of a place. They may recommend that the Appeal is re-heard with a different Panel or Clerk.

If the Appeal was for an Academy school you should complain to the Education and Skills Funding Agency, and follow the links from their website:  
[www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure](http://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure).

### 8.3 What if my appeal is successful?

The school and the Admission Authority will be informed by the Clerk of the Appeal outcome. You may wish to contact the school to make arrangements for your child's admission.

### 8.4 What if my appeal is unsuccessful?

You can contact the Admissions and Information Team for advice on places that are available at other schools, on 0191 2787878 or [admissions.information@newcastle.gov.uk](mailto:admissions.information@newcastle.gov.uk)

### 8.5 Can I have another appeal?

You cannot appeal twice in the same school year for a place at the same school unless there is a major change in your circumstances.