



**THE HARMONY TRUST**

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## Admission Appeals – Oldham hub

Alt Academy  
Greenhill Academy  
Northmoor Academy  
Richmond Academy  
Westwood Academy

| Description                                          | By whom                                                                   | Dated                   |
|------------------------------------------------------|---------------------------------------------------------------------------|-------------------------|
| Written / LA Quality Assured<br>Approved             | TM<br>Board of Directors                                                  | Mar 2015<br>23/11/15    |
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| Reviewed<br>Approved                                 | KC – Changes in line with LA &<br>complaints to ESFA<br>Board of Trustees | 31/01/23<br>27/02/23    |

Chief Executive: Mr Antony Hughes

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## 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

The Harmony Trust academies in Derby purchase admissions appeals support services from Oldham Council. Their appeals processes are all detailed below.

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

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

Oldham Council, School Appeals  
Level 4, Civic Centre, West Street, Oldham OL1 1UL

## Download the form

Visit the Oldham Council website to download the relevant form.

<https://www.oldham.gov.uk/admissions>

## The appeal process

The date of the appeal will be arranged by an officer from the school appeals team.



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The appeals are usually heard remotely by video conference via MS Teams however if you are unable to access the platform, please advise the officer from the school 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 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.

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 school 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 school appeal 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.

### **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.

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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 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.

### 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.

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### Infant class size prejudice appeals

Infant classes must not contain more than 30 children per teacher in an infant class and this limited the powers of the appeal panel hearing your appeal. They can consider:

- If the school's admission arrangements (the admission rules) comply with the law
- Whether a mistake has been made with your child's application
- If admitting further children would breach the infant class limited of 30 pupils per teacher
- If the decision to refuse your child a place at the school was unreasonable

Unreasonable in relation to an appeal, is used in the legal sense and means that the decision to refuse your child a place at the school was perverse or illogical in light of the rules.

### 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.

If you consider that the Panel did not follow the procedures properly, you can complain to the Education and Skills Funding Agency (ESFA) – any complaints about academy appeal panels are investigated by the ESFA.

Please visit the website for further information [School admissions: Complain about the appeals process - GOV.UK \(www.gov.uk\)](https://www.gov.uk/school-admissions-complain). If you require a paper form instead contact the ESFA on 0370 000 2288.

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

Contact details for further information are listed below

#### 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

#### Office of the Schools Adjudicator

Mowden Hall  
Staindrop Road  
Darlington DL3 9BG  
Phone: 01325 735303

#### Advisory Centre for Education (ACE)

ACE is an independent national advice service centre for parents of children in state funded schools. They offer information and advice on education, including school admission appeals.

They can be contacted online via <http://www.ace-ed.org.uk/> website or by telephone on 0300 011 5142.

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