

Appeals for school places

School Appeals

If you have been refused a place at a school you have the right to appeal against the decision. You are not able to submit an appeal until you have been formally refused a place at a school.

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.

If you are considering submitting an appeal you are advised to contact the school PA to the Principal.

If your child has an Education, Health and Care Plan (EHCP), different arrangements apply. Please visit the special educational needs and disability tribunal for further information.

Appeals for Key Stage 2 and above

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.

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

Attending the appeal hearing

The clerk will invite you to a hearing to present your case. Hearings are being held remotely, via Microsoft Teams. The clerk will be happy to help you with a test Microsoft Teams appointment if you would like this.

You will be given at least 10 school days notice of the date and time of the Hearing (unless you agree to a shorter notice period).

The PA 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 panellists.

If you have any further evidence to support your appeal, you must provide this to the PA at least **7 working days before** the hearing. You can provide new information right up to and including during the appeal hearing.

The PA will ask you to confirm whether you want to call any witnesses or to be represented at the hearing. If you attend the hearing you will be given time to present your case and say what you want to say. If you do not attend the hearing, the appeal panel will hear your appeal on the basis of the information you have provided.

The appeal panel is made up of at least 3 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, does not take part in the decision making and ensures that the panel follows the correct procedure.

The appeal hearing

When it is time for your appeal to be heard remotely, everyone starts the meeting 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:

Stage 1

1. Case for the admission authority
2. Questioning by you (the appellant) and panel

Stage 2

1. Case for the appellant – this is your chance to present your case
2. Questioning by the admission authority and panel
3. Summing up by admission authority
4. Summing up by you (the appellant)

When the appeal panel has heard all the evidence at the end of both stages, you and the admission authority representative will be asked to leave the meeting.

The decision

The appeal panel will carefully consider all that they have read and heard, and come to a decision.

After the hearing

You will be contacted by the clerk once all of the appeals have been heard for your particular school. This may be at the end of the day or the following day (depending on the number of appeals). You will be given the decision of the panel only.

The clerk will also write to you 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 is not successful

If your appeal is unsuccessful, another appeal for the same school in the same school year is not allowed unless there is a significant change in circumstances (for example a change of address).

Contact School Admissions for advice on places at other schools: Contact telephone number: 0191 643 8724 email: school.admissions@northtyneside.gov.uk

Appeals timetable

The clerk does not routinely acknowledge receipt of appeal forms, if you would like to confirm that we have received your form, please contact the PA to the Principal.

Timetable for reception or transfer places in middle, secondary and high schools

For reception or transfer appeals for places in September, you will have at least 20 school days to submit an appeal from the day you received notice that your application was unsuccessful.

The deadlines for submitting an appeal in order to ensure that it is heard before the end of the summer term are:

- Transfer place - 1 April immediately before the new academic year. All appeals to be heard between June and July of the same year.

Appeals submitted within the deadlines will be heard within 40 school days of these dates. You can submit an appeal after these dates but it may not be possible to hear your case until after the summer holiday. Then it will be considered after the panel has already heard any appeals which were submitted within deadline.

Where possible appeals arising from late applications will be heard within 40 school days of this deadline or within 30 school days of the appeal being lodged.

Appeals submitted after the deadline will be heard within 40 school days of receipt where possible.

In-year appeals

Appeals for in year admissions will be heard within 30 school days of the appeal being lodged.

Sixth form appeals

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.

How to appeal

Please ensure you have read the relevant guidance carefully before you submit your appeal. If you want to appeal for more than one school you will need to appeal separately for each school.

Please contact the PA to the Principal at your preferred school.

Complaints about the appeals process

The decision made by the Panel is binding on the parents/carers and the school. You may not complain about the decision on the grounds that it was not the one you wanted. However, if you think that the Appeal was not conducted properly, you may consider the following:

- If you are not happy with the way the appeal hearing was conducted and wish to complain to the ESFA, please use the following link to complete the online form (<https://www.gov.uk/schools-admissions/complain-about-the-appeals-process>). Alternatively, telephone the Department for Education helpline on 0370 000 2288 during office hours. Please note - charges do apply.
- Judicial Review If you think that there was a legal flaw in the Appeal Hearing, you can take legal action and ask for a judicial review. This means that a court would consider whether or not the hearing was legal. If the court agrees that it was not legal, they could quash the decision of the Panel and order a fresh Hearing.

Independent help and information

- [The Advisory Centre for Education \(ACE\)](#)
- [CORAM Children's Legal Centre](#)
- [Newcastle Law Centre](#)