

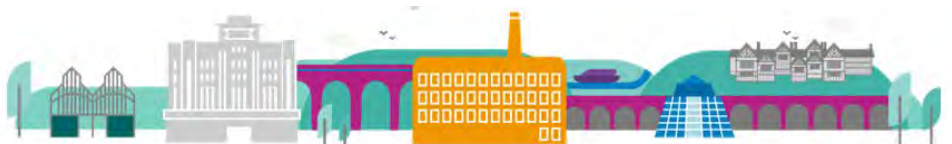
Stockport

Independent Appeals Panel

**How to appeal for a place at
your preferred school**



For further information and to appeal online or visit our website at
www.stockport.gov.uk/admission-appeals or scan the QR Code*



Stockport

Independent Appeals Panel

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Introduction

If you have had an application to a preferred school refused, you can appeal to an Independent Appeals Panel (IAP) as described in the School Standards and Framework Act 1998.

The Independent Appeals Panel is made up of 3 volunteer panel members, who are either a lay member and/or a member with educational experience. An appeal hearing will take place where the IAP will listen to your reasons for wanting your child to attend a particular school where a place has been refused and balance those reasons against the prejudice to the provision of education by admitting one more child to that school.

School appeals are administered by the Appeals Team within Democratic Services at Stockport Council. It is part of our role to be the Independent Clerk to the Independent Appeals Panel and ensure that the appeals process is fair, open and transparent for everyone involved and also ensure that the guidance set out in the Admission Appeals Code 2022 is strictly followed. You can contact us with any questions at admission.appeals@stockport.gov.uk.

There are different kinds of appeal, which will be referenced throughout the guide:

- **Allocation Appeal** – when you have been refused your preferred place for year 7 or reception entry. These take place between May and July every year.
- **In-Year Appeal** – when you have been refused an in-year transfer to another school. In-Year appeal hearing dates generally run twice a month within the academic year.
- **Fair Access Protocol Appeal** – when your application for in-year transfer has been refused under the Fair Access Policy. These are heard alongside in-year appeals.

Before appealing, we recommend contacting the admissions team to discuss the reasons for your refusal and discuss alternative options. You can email them at admissions.support@stockport.gov.uk or call them on 0161 217 6022.

Am I eligible to appeal?

The minimum criteria to be eligible is that your application for a preferred school has been refused. However, there are certain factors that may mean you cannot appeal:

- If you have been offered a school which is listed as a higher preference than the school for which you wish to appeal – you should contact the admissions team if you wish to change your preferences so that you can appeal.
- If you have already appealed for the same school within the current academic year – you cannot appeal twice for the same school in the same academic year. Additionally, if you have appealed for the same school in a previous year, you must make a new application for your child's year group before you can appeal again.
- If your child has an Education Health and Care Plan (EHCP) – appeals for children with EHCPs are dealt with through a different process. Please speak to the SEN team for more details.



How can I appeal?

If you wish to appeal, you can do so by completing an appeal form online at www.stockport.gov.uk/admissionappeals.

If you would like a PDF copy of the appeal form to return via email or post, please contact us at admission.appeals@stockport.gov.uk.

When will my appeal be heard?

Year 7 & Reception Allocation

Appeals for September admissions will be heard from May to July. Where possible, the Panel will hear all appeals for the same school before coming to any decisions.

If you are appealing before your child is due to start primary or secondary school, it is important that you register your appeal **as soon as possible** to ensure that a decision is made well before the start of the new school year in September. The Council publishes a deadline each year, details of which can be found in this booklet which has been produced by the Appeals Team, Democratic Services. Completed 'appeal forms' should be returned within twenty school days of the refusal letter from the Director of Education.

The date of the hearing will be arranged by the Appeals Team to be heard within 40 school days of the appeal form submission, and you will be given at least 10 school days' notice in writing of the date and time of the appeal hearing which would be held over Microsoft Teams or Telephone, depending on your preferred choice for the format of your appeal hearing.

In-Year

Appeals against in-year transfer refusals (including through the Council's fair access policy) are generally heard twice a month.

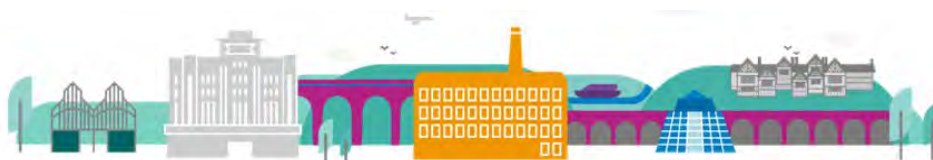
The date of the hearing will be arranged by the Appeals Team to be heard within 30 school days of the appeal form submission, and you will be given at least 10 school days' notice in writing of the date and time of the appeal which would be held over Microsoft Teams or Telephone, depending on your preferred choice for the format of your appeal hearing.

Preparing for your appeal

You will receive an information pack relating to your appeal hearing usually 7 days before the date on which it takes place. It will contain within the pack the statement of case and reasons for refusal of the admission authority, as well as your appeal form and any additional information you have submitted. This information will also be sent to all parties (including the independent panel members and the admission authority).

We encourage parents to submit as much information as they feel is necessary in advance of the appeal hearing. This can include any evidence relating to the medical, social, practical or educational reasons for appealing. This information can be sent to the Appeals Team at admission.support@stockport.gov.uk up to 2 days before your appeal hearing by email.

You might also like to make a brief note of what you would like to say during the appeal hearing and any questions you may wish to ask at the hearing appeal.



If you wish, you can bring along a friend, family member or representative to the appeal hearing for support.

Who will be at the appeal?

The following parties will be invited to attend your appeal hearing:

- The Clerk to the Independent Appeals Panel – the clerk will take notes, deal with IT issues where possible, and offer procedural advice where necessary.
- The Independent Appeals Panel (3 volunteer panel members) – the IAP are independent of the admissions authority and school and listen to your reasons for wanting a school place at the school you are appealing to and will then balance the weight of your case against the prejudice to the provision of education by admitting one further child into your child's year group at your preferred school. They make the final decision on your appeal.
- A representative of the admission authority – the admissions officer will provide the case for refusing your application on behalf of the local authority and the school.
- The parent – you will be invited to speak at the appeal hearing to present your case, including answering any questions of clarification from panel members or the admissions officer.

Do I have to attend the hearing?

We strongly advise that you attend your appeal hearing as it will be easier to explain your case and you will be able to answer any queries from panel members.

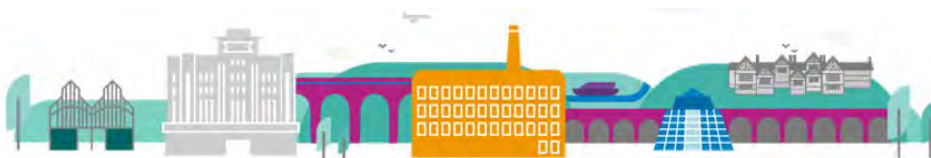
If you are unable to attend the appeal on the date or time offered, the Appeals Team can make alternative arrangements for your appeal to be heard at a later date or your appeal can be heard in your absence and determined on the basis of the information you provided on the appeal form and any additional information you may have submitted.

What will happen at the hearing?

The appeal hearing will be as informal as possible and be conducted fairly, with all parties given the opportunity to speak. You will be given the last word and the benefit of the doubt by the panel on anything said.

You will join the appeal hearing via Microsoft Teams by video or telephone and the following procedure will be followed:

1. An Admissions Officer representing the Admission Authority will present the case on behalf of the school, explaining why your child was not given a place at your preferred school.
2. You may ask questions.
3. The Panel members may ask questions.
4. You will present your case, explaining why your child should be given a place.
5. The Panel members may ask you questions.
6. The Admissions Officer may ask you questions.
7. The Admissions Officer will sum up.
8. You will then have the opportunity to sum up and have the final word on the matter.
9. You and the Admissions Officer will withdraw from the hearing so the panel can make a decision.



The decision

In most appeals, the Panel goes through two stages:

The Panel first has to decide whether the admissions guidelines have been properly followed. This usually refers to whether you were correctly refused a place at a school due to the school being full to its published admissions number (PAN).

If the Panel decides that the admissions guidelines have not been followed correctly, the Panel can grant your appeal at the first stage.

However, if it decides that due process was followed, it must move on to the second stage.

The Panel then has to 'balance' whether the benefits of your child going to your preferred school outweigh the negative effects (or 'prejudice') on the school and the other children of having one more pupil in the class.

If the panel considers that your case outweighs the prejudice to the school, it must uphold the appeal.

Infant Class Size appeals

The government applies different rules to infant classes (Reception, Years 1 & 2) where there are 30 pupils per school teacher. Only in very limited circumstances can admission over the limit be permitted. The Panel will consider the following matters:-

- a) whether the admission of an additional child/children would breach the infant class size limit.
- b) whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998.
- c) whether the admission arrangements were correctly and impartially applied in the case in question.
- d) whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.

If the Panel agrees that the above criteria have been met, they can refuse the appeal at the first stage.

If the Panel agrees that one or more of the above criteria have not been met, they can grant the appeal at the first stage or move on to the second stage.

At the second stage, the Panel has to balance whether the benefits of your child going to your preferred school outweigh the negative effects (or 'prejudice') on the school and the other children of having one more pupil in the class.

What happens after the hearing?

It is appreciated that you will be anxious to know the result of your appeal as quickly as possible. You will therefore be informed of the Panel's decision in writing as early as possible, which will usually be no later than 7 calendar days after the decision has been made unless there is good reason.

A decision letter will be sent via email from the clerk. You will not be able to find out the decision via email or telephone prior to the decision letter being sent.



What if I lose my appeal?

The decision of the Independent Appeals Panel is final and legally binding.

The Admissions Team will already have told you which other schools have places available. If you have problems finding an appropriate place, you should ring the Admissions Team on 0161 217 6022 or email admissions.support@stockport.gov.uk

If you are unhappy with your appeal outcome and believe that your appeal has been maladministered, you can complain to the Local Government Ombudsman if the preferred school is controlled by the local authority or to the Education & Skills Funding Agency if it is an academy.

Local Government Ombudsman: [School admissions - Local Government and Social Care Ombudsman](#)

Education & Skills Funding Agency: [Complaints procedure - Education and Skills Funding Agency - GOV.UK](#)

Please note that if the LGO or EFSA uphold your complaint they cannot overturn the decision but can order the Local Authority to arrange a new appeal hearing with different panel members and a new clerk.

Useful Links:

- [School Admission Appeals Code 2022](#)
- [School admissions code 2021](#)
- [Advice for parents and guardians on school admission appeals - GOV.UK](#)

* Smartphone users can download a QR reader application onto their phone for free. When they see a QR code they can use the phones camera to scan it and are directed automatically to the related web information. The cost of using a QR code is dependent on your mobile phone contract or pre-paid bundle. For further information on costs please contact your mobile provider.

