

GUIDANCE FOR MAKING AN APPEAL

General Information

If you want to appeal against our decision not to offer your child a place at Trinity, you will need to fill in the Appeal Form enclosed and return it to Trinity. This form will allow you to explain your reasons for wanting a place at Trinity. Our letter to you describes the School's reasons for not offering your child a place at Trinity.

Before deciding whether to appeal, you will probably want to think about Trinity's Admissions Criteria (copy enclosed), your reasons for wanting your child to attend Trinity, your child's view of why they should go to Trinity, and how strong a case you have. We have enclosed the appeal form (referred to above) with these notes and the deadline is 20 school days by which time your appeal form and supporting documents, if appropriate, should be sent back to Trinity Catholic High School, for the attention of the Admissions Officer.

If you require any further clarification, please contact Mr M Dalton at Trinity Catholic High School, telephone number 020 8504 8946 or email MatthewDalton@fc.tchs.uk.net or Lynsey Scrivens, Admissions Secretary, on the same number, email Lynsey_Scrivens@fc.tchs.uk.net

For information, all schools can admit up to a certain number of children. In our case this is 240. This is the "admissions limit" (sometimes called the "designated capacity" or "standard number"). This number must be published and is agreed as part of the admissions policy. It is set using a calculation which all Admission authorities have to use and we will admit children to our school until the admissions limit is reached. When we reach the admissions limit, we can refuse entry. We can argue that admitting an extra pupil would "prejudice the provision of efficient education or the efficient use of resources". This means that having an extra child at the School would harm the quality of education provided at the School.

The law does not give you a *choice* of school but it allows to 'express a preference'. So, by requesting a place for your child in a school, you have expressed your preference. Your child's application will be considered according to the admissions criteria for each of your preferred schools but if these are full, then your preferences will be filtered down your list. If you are allocated a place at one of your preferred schools, any lower preference schools that you have requested will automatically have been withdrawn in accordance with the coordinated admissions policy.

Your child's position on the waiting list can go up, that is, it can improve if vacancies arise when children leave the School and the number of children at the School falls below the admissions limit. New admissions will be made to fill the School back up to its admission limit from the waiting list, taking children in order of priority, as per the admissions criteria.

You can accept a place in one school and still appeal for a place at another; appealing for any school does not affect the progress of your child's application regarding priority or waiting list position. As vacancies arise when places are declined by other parents/carers, they will be filled from the waiting lists, whether or not parents have appealed.

You will be given a deadline to return your appeal form which allows you at least 20 School days from the date of notification that your application was unsuccessful to

prepare and lodge your written appeal. Your appeal form must be the one supplied by Trinity on which you have given your reason for your appeal and is signed and dated by the parent/carer. You may write on the form that you have attached documents for consideration. This must then be returned to The Admissions Secretary, Trinity Catholic High School, Sydney Road, Woodford Green, Essex IG8 0TB. The School will then send the appeal documentation to the London Borough of Redbridge.

Arrangements for the Appeal Hearing

When do the transfer appeals take place?

Due to the high number of appeals requested for schools, appeal hearings are booked as multiple appeals by Trinity from early May until early July for on-time appeals, and some late appeals where they can be fitted in, depending on availability of appeal panel members and committee rooms. We are given the availability by the London Borough of Redbridge for certain dates. After this time, late appeals will be heard no later than 30 school days from the date your appeal form is received by the London Borough of Redbridge via Trinity Catholic High School. They will write to you at least 10 school days from the date of your appeal, giving you the date and time of your appeal unless you have agreed on your appeal form to waive the 10 school days' notice. A copy of your case history and appeal paperwork will be sent to you which will also be presented to the Independent Appeal Panel and the Clerks' Office.

For 2017, your appeal form, with supporting documentation, should be returned to the School no later than 3rd April 2017, in order for your appeal to be processed and send to the London Borough of Redbridge.

Will I be given the same information as the Independent Appeal Panel (IAP)?

Each member of the IAP for your appeal hearing will have a copy of your "case history" as will all interested parties: the Clerk to the IAP and Trinity's representative. Your case history is made up of:-

- Your appeal form;
- Any extra information you have sent;
- Copies of earlier letters about your application and case;
- Our reasons for not offering your child a place at the School (our case).

The London Borough of Redbridge will send you a full set of papers at least 10 School days before the hearing unless you have waived this right.

If you wish to provide any additional documents, information and/or evidence to the panel to support your case, please do so at least **5 working days** before your appeal, if possible. Should you submit additional information, which the panel thinks may be significant, too close to the hearing date or on the day, the panel may need to defer your case to enable them and the School's representative time to study the papers. This is important because they will want to come to a fair decision based on a full understanding of all of the information.

How will I know about the hearing – can I attend?

The London Borough of Redbridge normally tells you where and when your appeal will be about 10 days before the hearing. It will be in private and you will be invited to be there. It is usually held at the Town Hall, Ilford during office hours. They do not

usually advise you to bring your child as they should be in school and it could be distressing for them to hear some of the information being discussed, but it is for you to decide whether your child should attend the hearing.

Should I come to the hearing on my own?

If you feel worried about speaking for yourself at the hearing, or if you feel at a disadvantage, you can bring someone to support you who may accompany or represent or speak for you. This could be:- a friend, advisor, neighbour, member of your social or religious community, a choice advisor, a locally elected politician, an employee of the Local Education Authority, educational social worker, an SEN advisor or Learning Mentor but they must not be an employee of Trinity Catholic High School. If you need an interpreter or signer you should tell us this and the language you speak as soon as possible on the Appeal Form and the London Borough of Redbridge will try to find you one.

The hearing is informal and it is not usual for parents to bring a solicitor, though they may do so at their own cost. You cannot get legal aid for these appeal hearings and legal costs could be high. It is important to bear in mind that the hearing is not intended to be a platform for a debate on the law.

What happens if I cannot attend the hearing?

If at any time after you have been told the date and time of the appeal you find out that you cannot attend the hearing you should tell Trinity and the Admissions & Awards Team at Redbridge straight away, preferably in writing, so that this can be sent to the Clerk's office.

The hearing can be heard without you there ('heard in absence') or you can arrange for somebody else to take your place at the hearing, but you should tell the Appeals team at the London Borough of Redbridge in advance and let them know their name and telephone number of this person.

If you cannot attend the hearing, but it is impractical to offer an alternative date, the appeal will go ahead and be decided on the written information submitted. If the Appeal Panel decides to defer your hearing, it may be some weeks before another hearing is arranged.

However, you are advised that failure to attend on the day of the hearing without advising the Appeal Clerk at the Town Hall that you wish your appeal to be re-scheduled (or cancelled), may result in you being charged for the cost of the interpreter requested (where appropriate) to attend at the scheduled time to assist you with your appeal.

At the Appeal

The appeal will be as informal as possible. Although the decision of the Appeal Panel is a legal one and applies both to you and us, it is not a court of law. It is important to note that the Panel will be totally independent of the London Borough of Redbridge and Trinity Catholic High School.

In the London Borough of Redbridge, there are 3-5 people on an Independent Appeal Panel:

- There must be at least one 'lay member' on the panel. This means someone without personal experience in the management of any school or the provision of education in any school (disregarding experience as a school governor or in another voluntary capacity).
- There must also be at least one panel member who has experience in education; who is familiar with education conditions in the Redbridge area; or who is a parent of a registered pupil at a school.

There will also be:

- A clerk
- A representative from Trinity Catholic High School, who will explain why your child has not been offered a place at the School.

The clerk will make sure that the correct procedures are followed and will ensure that legal advice is provided if necessary. He or she will not take part in making any decision, but will record what the Panel decide. In the London Borough of Redbridge, the clerk is from the Legal and Constitutional Services, which is not part of the Children's Services. Sometimes if the Panel need extra help on points of law, advice will be given by Redbridge's Chief Legal Officer.

What happens at an appeal hearing?

Both the representative from Trinity Catholic High School and parents are given an opportunity to explain their case without being interrupted. This is a two stage process, with Stage 1 being attended by all parents/appellants, Independent Appeal Panel, Admission Authority's Presenting Officer, Head Teacher/Deputy Head Teacher of the School and the Clerk. The first stage deals with the information that is common to all the appeals, as to the Admission Authority's reasons why they were unable to offer places to additional pupils, for reaching the decisions that it did and the question of whether admitting any more children would prejudice the efficient provision of education or not.

Stage 2 – these are slots for each parent/appellant – attended by individual parents/Appellants, Independent Appeal Panel, admission authority's presenting officer and the Clerk. This is the individual appeal for the parents where they will have the opportunity to put forward their case for a place at Trinity Catholic High School for the child to the Independent Appeal Panel. The Admission Authority's Presenting officer will also attend this part of the hearing to provide information to the Panel relevant to that child.

Making Your Case

It is helpful for the Panel members to hear why you have chosen Trinity Catholic High School. Simply saying "It's the one my child wants to go to" is unlikely to be enough. Of course each appeal is different and there can be many reasons for wanting a particular school.

Reasons provided in the past have included:

- A sibling already in the School;
- Strong family links, for example all your children have gone there in the past so you know the staff well;

- The journey to the alternative schools offered may be difficult due to your work arrangements, or you may to take other children to another school;
- Health difficulties of family members other than your child.
- The religious character of our School.
- A strong preference for a particular curriculum or specialisation which is not available in other schools;

But, giving these reasons does not necessarily meant that your appeal will be allowed.

It is important for us to mention that relatively few appeals indeed are successful and usually only where there are exceptional circumstances, however, each appeal is heard on its own merits. As an example, the data in the Transfer to Secondary School 2017 booklet for 2016 appeals, showed that less than 9% of on-time appeals were upheld.

Reaching the Decision

At the end of the hearings, the Appeal Panel will need time to make their decision and they do this without parents or Trinity Catholic High School's representative present.

The Appeal Panel's job is to weigh up the arguments for and against your child's admission taking into account your case and ours.

More information about this can be found in the DfE School Admission Appeals Code which is available from the Department of Education on their website. If you do not have internet access at home, you may visit your local library to access www.education.gov.uk

When will I know the decision?

If the Appeal Panel is considering a large number of appeals about the same school, it will not make a decision about an individual case until all parents have had a chance to put their case forward. They may need more time to make their decisions. If there are appeals for the same schools over several days, a decision will only be made after **all** the appeals have been heard. The clerk will tell you if it will take longer. Once the decision has been made, the Appeal Panel will send you a letter giving the reasons for the decision, within 5 working days if possible.

After the Appeal

What happens if my case is allowed?

Your child will be given a place at your preferred school, even though it is already full.

The school will be told and arrangements will be made for your child to be admitted as soon as possible from your child's and the School's point of view. For children transferring from primary to secondary school, this is usually at the beginning of the new school year.

What happens if my case is dismissed?

Your child's name will remain on the waiting list. His/her position will not change because of the appeal. Your child's name will stay on the waiting list until 31 December of the year that your child is in Year 7, this continued interest must be renewed annually on 31 August, in time for the start of the academic year. You will need to do an In Year application for your child to continue on our waiting list through the London Borough of Redbridge.

Please note that your appeal relates to one academic year. Repeat appeals relating to the same academic year, for the same school, are not considered unless there have been significant and material changes in circumstances relevant to the application.