

The Chair will then close the hearing and advise you that the panel will consider your case once all the appeals for the school have been heard. The Clerk remains with the panel solely to record their decision and to offer any procedural or legal advice.

How will the panel make their decision?

The panel make their decision in two stages without the school present.

The first stage establishes the facts. The panel look for any errors and decide whether admitting an additional child would prejudice the provision of efficient education at the school. If they agree that there had not been any errors and that the school had proved its “prejudice” case, the panel then move onto the second stage. Conversely, if they do find errors or the school does not prove its “prejudice” case, then you win your appeal without going onto the second stage.

At the second or balancing stage, the panel decides whether your reasons for wanting a place outweigh the problems that could arise if an additional pupil is added to the school’s roll. If there is more than one appeal for your school, the panel will need to compare your circumstances with the other appellants to ensure consistency in their decisions.

When will I hear the result?

The decision, together with the reasons for the decision, will be sent to you and the school in writing by the Clerk within five school days after all the appeals are completed. The panel’s decision is binding on the school.

What happens if I decide not to attend the hearing?

If you decide not to attend the hearing, the panel will consider the appeal on the basis of the written information available. However, we strongly urge you to attend in order

to ensure that the panel has all the information you wish to give. It also gives you the opportunity to answer any questions which may arise.

Can I appeal against this decision?

If you think that the appeal has not been conducted according to the code of conduct you can complain to the Education Funding agency. They cannot overturn the panel’s decision. However, if it is believed that you have been disadvantaged by the appeal process, you may be offered a fresh hearing with a different panel and Clerk.

For EFA view:

www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure

I have never done this before. Where can I get further information and advice?

The code of conduct allows for the Clerk to give you independent advice regarding the appeal process. If you have a question about the statement from the school, contact us. We may suggest you speak to the school to clarify matters. Our contact details are on the front page. E-mail is always the easiest way to contact us. Additionally, ACE a charity run by volunteers will give limited free advice. They can be contacted on 0300 0115 142, Monday to Friday from 10am – 1pm, during term time only.

Admission Appeals

A GUIDE FOR PARENTS & CARERS



Clerk to the School Admission Appeals Panel
Tytherington School, Manchester Road,
Macclesfield, Cheshire SK10 2EE

Phone: **01625 610 220**

Email: **info@tytheringtonschool.co.uk**

Your right to appeal

If your child has been refused a place at Tytherington School and you are unhappy with the alternative you have been offered, you have the right to appeal against the decision of The governing Body. The right to appeal is given under section 94 of the School Standards & Framework Act 1998. These notes apply to the appeals for year group seven to eleven at the school.

What is an appeal panel?

The panel that will hear your appeal is independent of Tytherington School. It consists of 3 people who are familiar with education in Cheshire East. The hearings have to be conducted in accordance with the law, following a procedure set out in a code of practice used by every education admission authority in the country.

The panel makes every effort to ensure the proceedings are as informal as possible and that you have the opportunity to explain the reasons for your appeal in your own way and to ask questions.

When will my appeal be heard?

Ten school days before the hearing, you will be told where and when your appeal will be heard. A week before the hearing, Tytherington School will send you a statement setting out the reasons why the governing body could not offer your child a place at the school. They will also send you a copy of your appeal form. Please bring these papers with you as they will help you at the hearing to understand what the governing body is saying.

All schools have published admission policies. The statement from the school sets out how your application was considered in accordance with the admissions policy for the school. At the beginning of the appeal hearing, you will hear the reasons why your child could not be offered a place at Tytherington School. This may be heard with other parents present. However, the part of the hearing where

the panel invite you to tell them your reasons why you would like a place at the school, will be held in private. We would like to encourage you to attend the hearing in person and you may be accompanied by a friend or representative.

Am I wasting my time appealing?

No, appeals for places in secondary schools can be successful, but only if you can demonstrate that you have a strong case or if the school is not able to convince the panel that the admission of an additional child would prejudice the provision of efficient education at the school. You may for instance have strong medical or social reasons why Tytherington School is the only school which can accommodate your needs. The panel will certainly be eager to listen to your reasons for wanting a place.

The panel make their decision in two stages. Firstly, they establish the facts. Did the governing body consider your application using the school's published admissions policy? Did they take into account your particular reasons for wanting Tytherington School? At this first stage they will search for any errors that may have occurred. It could be that you know of an error? For example, your child has a sibling at the school that was not taken into account or your child lives nearer to the school than the last child to be offered a place under the distance priority in her band group. Finally, at this stage the panel will consider whether it is satisfied that the admission of an additional child would prejudice efficient education at the school.

If the panel accept that there were not mistakes when your application was processed and that the admission of another child would prejudice efficient education, they then come to the balancing stage. This is a difficult task. The panel has to use its discretion to weigh up the advantages which would be achieved by complying with your preference as against the problems it would cause the school by admitting an additional pupil.

We would encourage you to prepare in advance of the

hearing by writing some brief notes to help you plan what you wish to tell the panel. We also suggest that you read first the school's written statement which explains in detail why it could not offer a place at the school and how the admission arrangements were applied.

What will happen at the hearing?

When you arrive at the hearing, the Clerk of the panel will meet you in the waiting area and take you to the room being used for the hearing.

The Chair will invite everyone present to introduce themselves. The panel will be three local people who are volunteers and totally independent of Tytherington School. Some have direct experience in education, others are known as lay members. All panel members have been trained before they can sit on appeal panels. The Clerk is more than just a notetaker, he or she can offer the panel legal advice.

The Chair will then:

- Ask the school's representative to explain how the published admission criteria were applied and why the school considers itself unable to comply with your preference.
- Then, the panel and you may ask questions about what was said by the school's representative or in the written statement.
- Afterwards you or your representative will be invited to give your reasons for the appeal. The panel and the school's representative may ask you questions to clarify any points you make.
- Following that, both the school and yourself will be given an opportunity to sum up. In addition, you may wish to add something you forgot to say.

The Clerk may need to be asked questions to clarify any points of procedure and/or the law.