



**School appeal guidance notes for parents**  
**William Hulme's Grammar School, September 2021 intake**

**Please read these notes before completing the Notice of Appeal form**

Parents have the right to appeal under the School Standards & Framework Act 1998 to an independent appeals panel against the academy's decision not to offer a place to their child. Completed appeals forms should be sent to the Clerk to the Appeals Panel c/o William Hulme's Grammar School, Springbridge Road, Manchester, M16 8PR.

The school must have due regard to its obligations under the Equality Act 2010. Our policies and practices, including admissions arrangements and decisions, must meet the requirements of the Act, and failure to do so may be relevant to the matters an appeal panel has to decide.

The school is subject to the Public Sector Equality Duty, and therefore it must have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

**LODGING YOUR APPEAL**

Completed appeals forms for **Year 7** applications must be received at the school no later than **4.00pm on Wednesday 31<sup>st</sup> March 2021**.

Completed appeals forms for **Reception Class** in the Primary Phase must be received no later than **4.00pm on Monday 17<sup>th</sup> May 2021**. Please read carefully the note about Infant Class Size appeals on Page 3 before lodging your appeal.

Appeals received after these dates will be heard at a later date and within 30 school days unless the Clerk to the Appeals Panel considers that there is an exceptional and unavoidable reason why the appeal is late and the appeal is received in time for all parties to give proper consideration to all documents. Any other late appeals for Secondary or Primary admissions will be heard later in the year.

Completed appeals forms for **all other years** should be sent to the Clerk **as soon as possible**. Appeals received after the end of May will not be heard until later in the year.

You must state the reasons for your appeal on the form and you must also submit any supporting medical or professional documents. All supporting documents must be received by the Clerk at least 7 days (5 working days) before the appeal, in order that all parties may be able to read and give proper consideration to your supporting evidence before the appeal.

Only one appeal per application per year is allowed unless, in exceptional circumstances, the school accepts a second application from the appellant because of a significant and material change in the circumstances of the parent, child or school but admission is still refused.

Where a child is refused admission to a **sixth form**, they and their parents have the same right of appeal and if they appeal separately, the appeals will be heard together.

Parents of children with an **Education Health Care Plan** should contact the Statutory Assessment (Special Educational Needs) section at their local authority for further advice on naming a school place or proceeding to a First-Tier Tribunal. A school appeal panel does not hear appeals about EHCPs.

## **BEFORE THE APPEAL**

You will receive information from the Clerk to the panel, details of the date, time and place of your appeal hearing at least 14 days (10 working days) before the date of the appeal hearing.

It is important that you send the clerk copies of any documents or information you may wish to use in your case. You must submit all your supporting evidence to the Clerk at least 7 days (5 working days) before the date of the appeal hearing. Any information or evidence not submitted by the deadline might not be considered at the appeal. You will be sent the academy's evidence at least 7 days (5 working days) before the hearing.

You will be invited by the Clerk to attend the hearing via an online conference. A friend or representative may accompany you. You must advise the Clerk at least 7 days before the date of the appeal if you intend to call any witnesses or be represented at the hearing.

If you require an interpreter, please bring someone with you to the hearing who will be able to interpret for you.

It is not necessary or appropriate to bring your child to the hearing except in the case of a sixth form appeal. If you cannot attend, or if you choose to have your appeal held on paper, your appeal will be considered on the written submission you have made.

## **THE APPEAL HEARING**

Where a school is very popular the panel may hear appeals from several parents individually who all wish their children to be admitted. To avoid injustice, where multiple appeals are being heard for the same school, decisions will not be made on individual cases until all parents have been involved in stages 1 and 2 of the process.

The appeal must be considered in two stages in all cases where prejudice applies:

1. A factual stage: the panel must consider whether the admission arrangements complied with the mandatory requirements of the School Admissions Code; and whether the admission arrangements were correctly and impartially applied in the case in question; the academy must prove that it would not be able to provide efficient education or make efficient use of resources if the child were to be admitted.

If the panel is satisfied that the academy has proved its case it will move to stage 2.

2. A balancing stage: the panel must balance the weight of the parental factors with the prejudice that the academy would have on providing efficient education and making efficient use of resources.

Appeals will be heard in private except where Stage 1 (the school's case) is presented to multiple parents. The proceedings, which will be as informal as possible, will normally be as follows:

- The representative of the academy will put forward its case Stage 1
- You will have an opportunity to question the academy's representative Stage 1
- The panel may question the academy's representative Stage 1
- You present your case Stage 2
- The academy will have the opportunity to ask you questions Stage 2
- The panel may ask you questions Stage 2
- The representative of the academy will sum up the academy's case (the summing up)
- You will sum up your case (the summing up)

The panel must consider the reasons why you would like your child to attend that particular school and the admission arrangements of the school (The decision). Your child is entitled to be sent to the school of your preference unless admission would prejudice the efficient use of resources.

### **MULTIPLE APPEALS FOR YEAR 7**

Please note that Stage 1 of Year 7 appeals for September 2021 will be heard as a group online on or around Thursday 13<sup>th</sup> May 2021. All appellants for Year 7 will be invited to attend to hear the school's case. The school will present the case for not admitting further children to Year 7. The panel and parents will have the opportunity to ask questions of the school about their case. The panel, after hearing the school's evidence, will decide whether the school has proved its case, and this will be advised at the start of your Stage 2 individual hearing.

If the panel is satisfied that the academy has proved its case it will move to Stage 2. Stage 2 of the appeals will be heard in private over the course of the following week(s).

The clerk will provide parents with written notification of the date, and login details of both Stage 1 and Stage 2 of their hearing; it will be sent to parents at least ten days before the hearing.

The proceedings for Stage 2 of the hearing, which will be as informal as possible, will be as follows:

- You present your case
- The academy will have the opportunity to ask you questions
- The representative of the academy will sum up the academy's case
- You will sum up your case

The panel must consider the reasons why you would like your child to attend that particular school and the admission arrangements of the school. Your child is entitled to be sent to the school of your preference unless admission would prejudice the efficient use of resources.

### **MULTIPLE APPEALS FOR RECEPTION CLASS**

Stage 1 of Reception Class appeals for September 2021 will be heard as a group online, and is likely to be a morning of the week beginning Monday 14<sup>th</sup> June 2021. All appellants for Reception Class will be invited to attend online on that morning. The school will present the case for not admitting further children to Reception Class. The panel and parents will have the opportunity to ask questions of the school about their case. The panel, after hearing the school's evidence, will decide whether the school has proved its case, and this will be advised at your Stage 2 hearing.

Stage 2 of the Reception appeals will be heard in private over the course of the following week(s). See above for the procedure for Stage 2.

### **INFANT CLASS SIZE APPEALS**

*The appeals for Reception Class are classed as Infant Class Size appeals. We have a duty to make parents aware of the following:*

*Section 1 of the School Standards and Framework Act 1998 limits the size of an infant class to 30 pupils with a single school teacher. Where an infant class will have admitted 30 pupils, panels can only uphold appeals in very limited circumstances which are set out in the School Admissions Appeals Code (paragraph 2.15).*

### **THE APPEAL PANEL AND APPEAL DECISION**

The panel will consist of three people. The amendments to Admissions Arrangements under Covid 19 allow for the appeal to continue with 2 panel members if one is unable to attend. One of these will be a person who has experience or knowledge of education. At least one other member will have none of these qualifications and is known as a lay member. **The appeal panel will be independent of those who**

**took the original decision.** The decision of the panel will be made on a simple majority and is binding on the academy and on the parents.

#### **NUMBER OF APPLICATIONS RECEIVED AND NUMBER OF PLACES AVAILABLE**

The school received 1038 applications for the 120 external Year 7 places by the closing date on 31<sup>st</sup> October 2020. This has inevitably meant disappointment for most applicants and their families. Please note that all the 120 external places available in Year 7 will be offered week commencing 1<sup>st</sup> March 2021.

All 60 places in the Reception Class will be offered on 15<sup>th</sup> April 2021 to on-time applicants.

There are no further places to offer.

#### **RESERVE/WAITING LIST**

All applicants who have not been offered a place at William Hulme's will be held on a reserve list until **31<sup>st</sup> December 2021**. Unsuccessful applicants will be considered with other applicants regardless of whether the parents have lodged an appeal.

*N.B. Parents who choose to exercise their right to appeal will not change their child's position on the waiting list.*

#### **APPEALS IN PREVIOUS YEARS**

Several appeals for places in all years were heard by an independent appeals panel in previous years (see table below).

<b>Number of appeals heard 2020</b>		<b>Number upheld</b>
Year 7	40	1
Reception	6	0
Other years – Primary & Secondary	2	0
<b>Number of appeals heard 2019</b>		<b>Number upheld</b>
Year 7	40	1
Reception	3	0
Other years – Primary & Secondary	2	0

#### **COMPLAINTS**

If you remain dissatisfied with the outcome of your appeal, you can seek further advice. You may:

- complain to the Secretary of State that the academy has acted unreasonably; the Secretary **cannot** review or overturn decisions of appeal panels, but can consider whether:
  - a) the panel was correctly constituted by the academy admission authority; and
  - b) the academy admission authority has acted reasonably in respect of the appeal process or has failed to discharge any legal duty in relation to that process e.g. in constituting the panel.
- initiate proceedings in the High Court for a judicial review of the appeal panel's decision. In this event you will need to seek legal advice.

**NOTE: WHILE THESE ARRANGEMENTS GIVE YOU THE RIGHT TO APPEAL AGAINST DECISIONS OF NON-ADMISSION, THE SCHOOL STANDARDS & FRAMEWORK ACT 1998 DOES NOT GIVE YOU THE RIGHT TO A PLACE AT A PARTICULAR SCHOOL.**

**EVEN IF YOU ARE APPEALING FOR A PLACE AT YOUR PREFERRED SCHOOL YOU SHOULD MAKE ARRANGEMENTS WITH ANOTHER SCHOOL IN CASE YOUR APPEAL IS UNSUCCESSFUL.**