

Ref: AppealFormLtr

Date as postmark

Dear Parent/Carer

Please find enclosed an Appeal Form, as requested.

Enclosed with the form is some legal information about appeals; please read this carefully.

***Completed forms should be returned to the address below on or before Tuesday 21<sup>st</sup> May 2019.***

Clerk to the Appeals Panel  
c/o Dixons McMillan Academy  
Trinity Road  
BRADFORD  
BD5 0JD

Yours sincerely



**Mrs M Ahmed**  
**Appeals Coordinator**

Encs



# APPEAL FORM

## PLEASE READ THESE NOTES BEFORE COMPLETING THE FORM

1. You can only make an appeal for a school you have applied to and named as a preference on the local authority's In-Year Application Form
2. You should complete this form if you wish to appeal against the decision of the Academy not to admit your child to the school of your preference. Please complete all sections of the form.
3. Please complete the form in BLOCK CAPITALS using a **black** pen, completing all sections of the form in full.
4. If at all possible, you should produce written evidence in support of your appeal. For example, if one of your reasons relates to your child's health, you should provide photocopies of letters from your child's consultant or paediatrician explaining your child's condition.

You should attach any written evidence to your completed appeal form and send it to the address below before the hearing. If you do not have all the documents available when submitting your form, you can submit additional documents up to five days before the hearing.

Any documents submitted should be photocopies and not the originals.

5. You will be sent further details about the hearing itself, once a date has been arranged.
6. If you have any queries or require any further information, please ring the following number and ask to speak to the Appeals Coordinator: 01274 424350.

This form will be acknowledged within seven days; if you do not receive an acknowledgement, please telephone the number above to check that your form has been received.

Please note, copies of the appeal form and any written evidence will be passed on to the independent appeal panel members, the clerk to the appeal panel and the presenting officer/s for the academy before the appeal hearing takes place. Following the hearing the copies will be securely destroyed, however, the originals have to be retained for a minimum of two years and will be securely stored within the academy in line with our GDPR policy.

If you are returning your form by post, please check that you use the correct postage amount for the size of envelope, as forms can be delayed due to incorrect postage paid. If you are sending confidential information by post, we strongly recommend using the 'Signed For' service at the Post Office to ensure safe delivery and avoid documents being lost.

Please post your completed form to:

***The Clerk to the Appeals Panel, c/o Dixons McMillan Academy, Trinity Road, Bradford, BD5 0JD***

**Deadline date: Tuesday 21<sup>st</sup> May 2019**

This page is intentionally blank

# APPEAL FORM



*For office use only* Ref no: .....

Date received: ..... Acknowledgement sent: .....

**PLEASE COMPLETE BOTH OF THE FOLLOWING PARTS (1 AND 2) SO THAT YOUR APPEAL CAN BE PROCESSED**

***The deadline for return of this form is Tuesday 21<sup>st</sup> May 2019 to the address given overleaf.***

Please write down the name of the Dixons academy you are appealing for.....  
**(Please note that a separate form must be completed for each Dixons academy you are appealing for.)**

## PART 1 – DETAILS

Your details: Mr / Mrs / Ms / Miss / Other *		*delete as appropriate
Parent/Carer Surname:		Forename:
Your address:	Permanent address of your child (if different):	
Postcode:	Postcode:	
How many years/months have lived at this address?		
Daytime Tel No:	Other Tel No:	
E-mail address:		
Child's surname:	Child's forename:	
Child's age:	Child's date of birth:	
School allocated to your child (if applicable):		
Which schools did you list as a preference? (This information will enable the panel to deal with your appeal more efficiently.)	1.	
	2.	
	3.	
	4.	
	5.	

**PLEASE TURN OVER**

**PART 2 – REASONS FOR APPEAL**

Please state these as fully as possible, continuing on a separate sheet of paper if necessary, and enclose any additional documentation that you might feel relevant (see note 4 on covering page).

<b>Grounds for appeal</b>

Evidence included with this appeal form (please list below the documents you are submitting copies of):

Do you need an interpreter at the appeal? **Yes / No**      (*please circle as appropriate*)

If yes, please state what language and/or dialect they should speak: .....

I declare that the information given is correct and complete. Please note that giving false information on this form may result in the withdrawal of any place offered.

Signed: ..... (Parent/Carer)

Date: .....

*Please post/return your completed form to:*  
**The Clerk to the Appeals Panel, c/o Dixons McMillan Academy, Trinity Road, Bradford, BD5 0JD**

## Waiting list and Appeals - Reception intake - September 2019

### Dixons Music Primary

#### General information

The Academy received over 270 applications via the local authorities' online systems/Common Application Forms.

All places were offered via the co-ordinated admission scheme, operated by the local authorities, and allocated in accordance with the oversubscription criteria.

#### Late forms

Where a Common Application Form (CAF) was submitted late, or not at all, these children were considered after those for whom the form had been submitted by the deadline.

#### Application of the oversubscription criteria

Places were allocated based upon application of the oversubscription criteria, which includes random allocation.

For full details of the oversubscription criteria, please refer to the Admissions & Appeals Policy which can be found on the Academy's website: [www.dixonsmp.com/admissions](http://www.dixonsmp.com/admissions)

Places were not allocated based on the nursery/childminder they attend, their gender, their ethnicity or their background. If a child was not allocated a place, this was because the child did not rank as high within the oversubscription criteria as other children did, or they were not allocated a place via the random allocation process.

#### Waiting lists

Children's names are kept on a reserve/waiting list and this is used between now and the end of December if any places become available. If a place becomes available the local authority will offer that place to the next eligible applicant on the list.

If you wish to keep your child's details on the waiting list after the end of December, please ensure you contact us again in January 2020 and we will transfer the details to the new waiting list.

Should you wish to make a specific enquiry about the waiting list, please contact the Admissions Office at the Academy.

#### Appeals

If you are dissatisfied with the admission decision, you have the right to make a representation to the Appeals Panel, which is independent of the Academy. You may find the following information helpful in respect of appeals:

##### Infant class size

The Government has set a limit on the size of infant classes (Reception, Year 1 and Year 2), as described below. Appeals are very rarely upheld for infant classes because of this.

4.12 Admission authorities **must** provide parents with information on the limited circumstances in which an infant class size appeal can be upheld in order that they can make an informed decision about whether to submit an appeal.

2.15 **Infant class size** – Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must not** contain more than 30 pupils with a single school teacher. Additional children may be admitted under limited exceptional circumstances. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

- a) children admitted outside the normal admissions round with statements of special educational needs or an Education, Health and Care Plan specifying a school;

*Please turn over*

- b) looked after children and previously looked after children admitted outside the normal admissions round;
- c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d) children admitted after an independent appeals panel upholds an appeal;
- e) children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- f) children of UK service personnel admitted outside the normal admissions round;
- g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- h) children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.

### *Should I appeal?*

Before any appeal takes place, the year group will be full. No places are 'reserved' for children whose appeals are upheld.

As well as taking into account the parents reasons why the child should be admitted, the panel also consider if the application was made correctly and on time, if the admission arrangements complied with the mandatory requirements of the School Admissions Code, and whether those arrangements were correctly and impartially applied to that particular application.

As any upheld appeal will result in the year group being over the recommended limit, which could have health and safety implications and/or a harmful effect on the teaching and learning of all or some of the pupils in the year group, only those appeals with **strong** reasons are likely to be upheld. Appeals solely on the grounds of distance from, or convenience of transport to, an academy are unlikely to be upheld.

The figures below show the number of appeals received for the last three years, both for entry at the start of Reception and for in-year appeals.

Dixons Music Primary*	Lodged	Upheld	Rejected
2016 – Reception entry	6	0	6
2017 – Reception entry	9	0	9
2018 – Reception entry	8	0	8
In-Year 2016-17	8	0	8
In-Year 2017-18	11	0	11
In-Year 2018-19 (to date)	6	1	5

Key:  
 Lodged: number of appeals made  
 Upheld: appeals found in favour of the appellant  
 Rejected: appeals found in favour of the Academy

\* Appeals for infant classes/Key Stage 1 (Reception, Year 1 and Year 2) are subject to the infant class size rule where classes **must not** contain more than 30 pupils with a single school teacher. For this reason, appeals are very rarely upheld for those year groups.

### *When should I appeal by?*

The deadline for appealing is 21<sup>st</sup> May 2019. We will endeavour to hear appeals received by the deadline on or before 19<sup>th</sup> July 2019.

### *What should I put in my appeal?*

It is important to put on the form ALL of your reasons for wanting a place at that Academy. It is *your* responsibility to provide any supporting documentation, such as letters from a hospital consultant/ paediatrician or social services, and these should be sent with your appeal form.

If you cannot submit all of your documents with your appeal form, you must make sure you submit these to the Appeals Coordinator, based at Dixons McMillan Academy, at least five days before your appeal. If you bring additional documents on the day of your appeal, the panel may be unable to consider them or they



may defer your appeal to another date. The panel cannot consider documents submitted after the appeal hearing.

*If my appeal is refused, can I appeal again?*

If you are unsuccessful in your appeal, a second appeal will only be considered for that academic year if there has been a significant change in your circumstances as a result of which a new application has been accepted.

Please note;

You cannot appeal for this Academy if you did not list this as a preference on your local authority's online system/common application form (CAF).

This page is intentionally blank

## EDUCATION ACT 2002

You have the right to appeal to an Independent Panel who has the power to direct the governors to make places available at the school.

These notes tell you how to appeal and what happens if you do.

### 1 ALL APPEALS MUST BE IN WRITING

If you wish to appeal against the Academy's decision you must fill in an appeal form and send it to the following address:

**The Clerk to the Appeals Panel  
c/o Dixons McMillan Academy  
Trinity Road  
BRADFORD  
BD5 0JD**

### 2 WHAT TO PUT IN YOUR APPEAL

It is important to put on the form **all** your reasons for wanting a place at the Academy. If it *your* responsibility to provide any documentation in support of your appeal, and these should be sent with your appeal form.

If you are unable to submit all of your documents with your appeal form, you must make sure you submit these to the Appeals Coordinator, at the address above, at least five days before your appeal. If you bring additional documents on the day of your appeal, the panel may be unable to consider them or they may defer your appeal to another date. The panel cannot consider documents submitted after the appeal has been heard.

### 3 WHAT HAPPENS NEXT

Your appeal form will be acknowledged within 7 days and will be forwarded to the Clerk to the Independent Appeals Panel who, for applications in the normal admissions round, will arrange your appeal within 40 school days of the deadline for appeal forms.

For applications outside the normal admissions round, the Clerk will arrange your appeal within 30 school days of the appeal form being received. The Clerk will send you a letter giving you the date, time and place of the appeal hearing. You will be notified of this at least 10 school days before the hearing to give you time to prepare your case.

You will also receive a statement from the Academy one week before your appeal hearing which will give the reasons why your child was not allocated a place at that Academy.

### 4 ATTENDING THE HEARING

You should try to attend the hearing if at all possible. The Appeals Panel will get a better idea of your case if they can meet you and ask you questions. Alternatively, you may send someone to represent you if you are unable to attend.

You may wish to bring someone to the hearing to help you, or speak for you. This can be a friend or adviser, such as a Choice Adviser, a locally elected politician, or an employee of the local education authority such as an educational social worker, SEN advisor, or learning mentor. You **must** notify the clerk if you intend to be represented or accompanied at the hearing.

If you choose not to attend the hearing, the Appeals Panel will make a decision on the basis of:

- a) the written evidence you have provided.
- b) a written statement and an oral statement given at the hearing by the Presenting Officer for the Academy, giving the reasons why your child was not allocated to the school of your preference.

### 5 GIVING YOUR EVIDENCE

The Appeal hearing follows a set procedure. You may feel the meeting is very structured, as the Chair will be strict on who can speak and when questions can be asked. The Chair will conduct the meeting and guide you

through it. You will always have the opportunity to say everything you wish, ask any questions and sum up your case. All the people at the Appeal hearing will treat your appeal in the strictest confidence.

The following people will be in the room:

- a) The Panel of 3 or 4 people is made up of people who are either:
  - lay persons, that is people without personal experience in the management of any school (other than as a governor or in a voluntary capacity), or
  - people with educational experience in the local area, such as teachers or parents.

These people are acting independently of the Local Authority or school governors (admission authority) and have no connection with the Academy for which you are appealing or the school that your child has been allocated. These are the people who will make the decision about your appeal.

- b) The Clerk is independent of the Academy and is there to advise the Panel, the Academy, and the parents on the procedure, and to take notes of the proceedings.
- c) A representative (known as the Presenting Officer) for the Academy will explain why a place has not been allocated to your child.

The Presenting Officer will start first and present the reasons for not allocating a place for your child. You may then ask questions and you may challenge any statement made, for example the maximum number of children to be admitted to the Academy or the effect on the provision of efficient education or efficient use of resources if any more children were admitted. You will then be asked to give the reasons for wanting your child to go to your preferred school and you may be asked questions about these reasons.

**It is important to give all of your reasons why you want a place for your child at the Academy. The panel cannot take into account any reasons or evidence submitted after the appeal hearing.**

## **6 THE PANEL'S DECISION**

No decisions are made by the Panel until all cases in that round have been heard. The Panel meets in private, which means no parents or Academy representatives will be present. The Clerk will be present purely to assist the Panel on matters of evidence or procedure and to record the decision, but has no involvement in the decision making process.

In making their decision the Panel follows a two stage process.

### **(a) First Stage**

The Panel must assess whether admitting any additional children would cause prejudice to the Academy and also whether each child would have been offered a place had the admission arrangements been properly implemented. The Panel must then consider two separate issues as follows:-

- (i) If the Panel decides that all the children who are the subject of the appeals could be admitted without prejudice to the Academy, it must uphold all the appeals.
- (ii) Where the Academy is able to satisfy the appeal panel that there would be prejudice, the panel must move to the second stage of the appeal to decide whether any of the individual appellant cases outweigh the prejudice.

### **(b) Second Stage**

- (i) If the panel decides that admission of additional children could result in prejudice it must consider for each individual case whether the appellant's grounds for admission to the Academy outweigh such prejudice. This involves no comparison between individual cases. In other words is your case stronger than the Academy's case.
- (ii) If there are several cases which outweigh the prejudice to the Academy and merit admission, but the panel determines that the Academy could not cope with that number of successful appeals, the panel must then compare all cases and decide which of them to uphold.

## **7 FINDING OUT ABOUT THE DECISION**

The Clerk will write to you to let you know the results of your appeal within five school days after all the hearings have finished. No information will be given over the telephone or to callers at the Academy.