

The De Montfort School-Admission Appeals

CORONAVIRUS (COVID-19): parents/carers should refer to the latest information published on our website at www.tdms.worcs.sch.uk and the DfE website at www.gov.uk

This information must be read in conjunction with the relevant Admission Policy

Arrangements for Admission Appeals for 2021/22

The parents/carers of children who are unsuccessful in gaining a place at The De Montfort School may appeal to an Independent Appeals Panel. The Independent Appeal Panel's procedures are in accordance with the Schools Standards and Framework Act 1998 and the School Admission Appeals Code effective from 1 February 2012 (<https://www.gov.uk/government/publications/school-admissions-appeals-code>) or as amended.

On 24 April 2020 the Department for Education (DfE) passed emergency regulations that introduced flexibility in the way that appeals are held, given current social distancing measures and other restrictions in place. These regulations were subsequently extended on 11 January 2021 to remain in force until 30 September 2021. The full text is given at <https://www.legislation.gov.uk/ukxi/2021/14/made>. The regulations will continue to apply to appeals which have not yet concluded on or before 30 September 2021.

There is no longer a deadline by which appeals will be concluded and hearings will be held as soon as practicable. We will update our advice if further information becomes available.

How to lodge an appeal

If you wish to appeal you **MUST** submit a written request to the Clerk to the Local Governing Body, including a full statement of your reasons for appeal, preferably by email to office@tdms.worcs.sch.uk. This **MUST** include the full grounds upon which the appeal is being made. There is no form to complete. Please note that The De Montfort School is currently operating under Covid-19 restrictions and therefore email is the preferred means of communication. Please only use post if absolutely necessary and if you have no access to email as there may be delays in dealing with postal requests. The De Montfort School will acknowledge all appeal requests by email (or by post only if absolutely necessary) and you must ensure you have received our acknowledgement as proof that we have received your request.

It is important that you document in your request for an appeal the full reasons why you wish to appeal against the decision not to allocate a place to your child, including reasons why you require a place at The De Montfort School and your personal circumstances if applicable. The appeal panel needs to understand fully your grounds for appeal as it will not be possible for you to meet the panel and discuss this in person. All information in relation to your case will be provided to all parties, including the panel, parents/carers and presenting officer from the school in advance of the hearing date. Where possible you may be invited to participate in a questioning of the case session by telephone or video. This is not to present the case, as this will be circulated and read fully prior to the appeal. The remote session, if available, will give the panel and parents/carers an opportunity to raise questions in relation to the case for the school, and the panel and presenting officer will have the opportunity to raise questions to parents/carers in relation to their individual written submission. Parents/carers retain the right to be represented or accompanied by a friend in a remote hearing. It is also possible for the appeal to be decided on the written information submitted only and in some cases this may be the only way the appeal can be dealt with.

You will be provided with 14 calendar days' notice of when your appeal will take place, but you have the right to waive this notice period if absolutely necessary. Appeal hearings will be scheduled as soon as it is reasonable to do so.

Any additional evidence or questions which appellants wish to submit after lodging an appeal must be submitted in writing by email to office@tdms.worcs.sch.uk and must be received by the school at least seven calendar days before the hearing. Please only use post if absolutely necessary and if you have no access to email. If correspondence is received by the school too close to the hearing, we may not be able

to circulate this to the appeal panel in time for the hearing and if the information is significant this might mean that the hearing has to be adjourned to a later date.

Only one appeal is permitted in respect of the same academic year unless, in exceptional circumstances, a second application has been accepted because of significant and material changes in circumstances (eg a change which puts the applicant in a higher oversubscription category). The statutory right to appeal does not apply if a place has been offered at the school in the usual year group for the child's age, but this is not the year group preferred.

Arrangements for Admission Appeals for entry to Year 12 for 2021/22

Admission appeals for the Sixth Form will not be heard until after confirmation of the GCSE grades. Appeals will be heard as soon as practicable but are not guaranteed to be concluded before September.

Challenging the conduct of the appeal panel

There is no further appeal against the decision of the appeal panel. However, if you feel that the way in which the appeal was conducted was not in accordance with the law, you may:

- (a) lodge a complaint to the Education Funding Agency who will investigate the complaint on behalf of the Secretary of State. The EFA cannot overturn a panel's decision but can require a fresh appeal to be held. Further information is at <https://www.gov.uk/government/publications/academy-independent-admission-appealpanel-complaints> or on 0370 000 2288; or
- (b) apply to the High Court for Judicial Review of the refusal. You would need legal representation should you decide to pursue this course of action.

Further information

The De Montfort School uses the services of the Appeals Team at Warwickshire County Council to conduct admission appeal hearings and further information is available on their website at <https://www.warwickshire.gov.uk/school-admissions-appeals/appeal-outcome-school-placement/3?documentId=163&categoryId=20014>. However, all correspondence and evidence relating to appeals must be sent directly to The De Montfort School.

If you need additional information about admissions or appeals for The De Montfort School, please contact the Admissions Officer at school. We are not able to advise you on the likely outcome of an individual appeal and parents/carers should form their own judgement on whether to appeal.