

School Admissions Appeal Tribunals

Information Leaflet

(Produced by the EA on behalf of the Independent Admissions Appeal Tribunal)

Pre-School
Primary School
Post-Primary School

Questions and Answers

Parent(s)/Guardian(s) have the right to appeal to an Independent Appeal Tribunal against the decision of a Board of Governors of a school to refuse admission to their child. This leaflet explains the grounds for appeal and other information relevant to making an appeal.

1. What are the grounds for an admission appeal?

- An appeal can only be upheld if a Tribunal finds that the admissions criteria were not applied or not correctly applied and that if the admissions criteria had been correctly applied the child would have been admitted to the school.

You may wish to contact the school which has not selected your child for admission to discuss the reason why he/she was not offered a place, to assist you in deciding whether to appeal the decision.

There is

- **no right of appeal** against a voluntary playgroup or private provider which participates in the pre-school programme; and
- **no right of appeal** if you have been offered a part time afternoon place in a nursery school/unit as opposed to a part time morning place or vice versa.

An Admission Appeal also:-

- **cannot consider** domestic circumstances such as childminding, work or transport arrangements to and from school; and it **cannot consider** your eligibility to receive a benefit as defined under the 'Socially Disadvantaged Circumstances' criterion when making application for a funded pre-school place. Your eligibility to receive a benefit as listed would be considered by your local Social Security/Jobs & Benefits Office which is a separate process to the pre-school admissions procedure (e.g.) if you were on tax credits and not as yet transferred to Universal Credit. Information on the benefits as defined under 'Socially Disadvantaged Circumstances' can be accessed on the under Pre-School - General Information – www.eani.org.uk/admissions

2. If I decide that I want to appeal my child's case, what do I need to do?

You will need to download the appeal form (AT1 Form) from the EA website at www.eani.org.uk/admissionappeals

You should read the instructions carefully on how to save, complete and return your AT1 Form.

Please note final dates and times for receipt of the AT1 Form are **NOT later than 4pm** on:-

Pre-school Stage 1	Thursday, 23 May 2019	(closed)
Pre-school Stage 2	Tuesday, 25 June 2019	
Primary	Thursday 23 May 2019	(closed)
Post-Primary 14+ (Dickson Plan)	Friday, 24 May 2019	(closed)
Post-Primary Yr 8	Friday, 14 June 2019	

3. What if I wish to complete a paper AT1 Form rather than electronic version?

You can download and print the AT1 Form and then complete and return it.

Or if you are unable to download the AT1 Form you can request a copy via email or by post. An AT1 Form will be issued as soon as possible. Note: Your request for a form to be sent by email/post may take slightly longer to process than you accessing a downloaded form. Your completed AT1 Form must still be returned by the dates listed in Point 2 above.

Email:

Post-Primary Year 8	admissionappeals@eani.org.uk
Pre-school	nurseryappeals@eani.org.uk
Primary	primaryappeals@eani.org.uk
Post-Primary 14+ (Dickson Plan)	seniorhighadmissions@eani.org.uk

Post:

The Clerk to the Tribunal, c/o School Admissions Office,
Education Authority, 3 Charlemont Place, The Mall, Armagh BT61 9AX

4. I requested an appeal form – who should I contact if I do not receive a form by the date/time which is applicable to my child’s application?

If you do not receive an appeal form by the date/time which is applicable to your child’s application, please contact the Clerk to the Tribunal by emailing the relevant email address as listed in Point 3 above or by phoning the Helpdesk 028 9598 5595.

5. Can I appeal the decision of a school if my pre-school or primary application was late?

Yes, you may appeal the decision but if the school was oversubscribed with punctual applications then your appeal will be unsuccessful as schools are required to give priority to punctual applications.

6. What information should I include on the AT1 Form?

In completing the AT1 Form you should:

- read the school’s admissions criteria. The admissions criteria can be found via the Education Authority website www.eani.org.uk/admissions
- consider the criteria and explain why you think the school did not apply them correctly in your child’s case.

It is important that as much of your case as possible is presented to the Clerk prior to the Tribunal hearing therefore you should put all the relevant information on the AT1 Form.

Please Note A separate appeal form must be completed for each school you are appealing against.

7. Where do I return the Form AT1 to?

The AT1 Form should be returned by email or post. If returning by email please put your child’s name in the subject line:

Email:

Post-Primary Year 8	admissionappeals@eani.org.uk
Pre-school	nurseryappeals@eani.org.uk
Primary	primaryappeals@eani.org.uk
Post-Primary 14+ (Dickson Plan)	seniorhighadmissions@eani.org.uk

Post:

The Clerk to the Tribunal, c/o School Admissions Office,
Education Authority, 3 Charlemont Place, The Mall, Armagh BT61 9AX

Make sure you return the AT1 Form by the date/time listed (see Point 2 above). If the Clerk to the Tribunal does not receive your appeal form by this date your right of appeal will lapse and an appeal will not proceed.

8. When will I see the case made by the school I am appealing against?

Before the hearing, the case made by the school will be sent to you and at the same time your case, including the AT1 form and any other information you provide will be sent to the school.

If, having received the case from the Board of Governors, you wish to provide further details or information then this should be sent to the Clerk prior to the hearing to enable it to be given to the Board of Governors and the appeal tribunal members.

9. When will the hearing take place?

Some nursery and primary appeals may be heard in June but the majority of appeals are heard during July-August.

The Clerk will try to suit parents/guardians and schools in arranging a tribunal to hear appeals. However it may not be possible to facilitate everyone. On some occasions, trying to accommodate all parties may mean that appeals are heard late in August.

10. How much notice will I be given of the date and time of the hearing?

You will normally be given 5 working days written notice of the date, time and venue of the hearing.

11. Where will the hearing take place?

The hearings take place in a range of centres across Northern Ireland. These are generally centres owned by the Education Authority. Whilst the Clerk will endeavor to arrange a hearing in the centre nearest to you this may not always be possible.

12. How long will the hearing last?

The length of the hearing will depend on the complexity of the case but normally they last no more than 30 minutes.

13. Who are the members of the appeal tribunal?

A tribunal consists of 3 members, appointed by the Education Authority but independent of it.

14. Who will be present at the hearing?

The 3 members of the appeal tribunal, the Clerk appointed by the Education Authority, a representative of the school (if in attendance), yourself and/or if you wish, your representative. The child in question cannot attend the appeal.

15. How do I prepare and present my case to the appeal tribunal?

The proceedings will be as informal as possible. The chair and members of the tribunal will try to put you at ease.

Before the hearing you may find it helpful to:

- 1) have read through the case made by the school and its application to your child;
- 2) have written down the main points of your case so that you can refer to them during the appeal, and
- 3) have prepared any questions you wish to raise about the school's case, particularly if you wish to obtain further details or to challenge aspects of their case.

At the hearing you can:-

- a) ask further questions about the school's case based on their presentation to the tribunal;
- b) bring to the attention of the appeal tribunal, matters which you believe are relevant to your case. However, the appeal tribunal can only consider the evidence that was available to the Board of Governors at the time it was making its decision regarding the admission of your child; and
- c) explain how you feel that the criteria have not been applied, or not correctly applied by the school in your child's case.

16. Can I bring someone to help me to present my case?

Yes, if you wish you can bring a friend, family member, elected representative or solicitor.

17. Do I need legal representation?

A legal representative is not necessary to present an appeal. It is a matter for you to decide if you want to engage a legal representative which will be at a cost to you, even if your appeal is successful.

18. Can I introduce new or further evidence to the appeal tribunal?

No. The appeal tribunal can only consider the evidence that was available to the Board of Governors at the time it was making its decision regarding the admission of your child.

19. What form will the hearing take?

The chair will introduce the appeal tribunal members and outline the procedures. All verbal communication is done through the chair.

20. Who makes the decision and when will I know the result?

The appeal tribunal makes its decision in private after hearing the case and this, together with the

grounds for the decision, is then issued in writing as soon as possible. If the decision of the appeal tribunal is that your child should be admitted to the school, then that decision is binding upon the school.

21. If the tribunal turns down my appeal can I appeal to the Education Authority or the Department of Education?

No. There is no right of appeal to either the Education Authority or the Department of Education on the decision of an Independent Admissions Appeal Tribunal.

If either party is dissatisfied with the decision of an appeal tribunal they may wish to seek independent legal advice particularly with regard to whether or not it would be appropriate to apply for leave from the High Court for the decision to be judicially reviewed. However there must be proper grounds for making such an application and there are specified time limits within which to do so.

22. Who pays my expenses?

You are responsible for all of your costs involved in bringing the appeal to the tribunal.

23. What if my child is unplaced?

If a child has not been selected for a place in a school then you should continue to seek a placement in a school at which places are available. Information on schools with places available can be found on the EA website. Admission to a particular school, or otherwise, does not affect the parents/guardians right of appeal or the decisions of a tribunal.

24. The school that refused my child admission has advised me that it made an error in applying the admissions criteria. Do I still have to go to appeal?

Yes, an appeal is the only statutory means to alter a school's decision to refuse a child admission. You should be aware that such a statement is not a guarantee that your appeal will be successful. An appeal can only be upheld if a Tribunal finds that the admissions criteria were not applied or not correctly applied and that if the admissions criteria had been correctly applied the child would have been admitted to the school.

25. I want to withdraw my appeal. What do I do?

You should email the Clerk to the Tribunal to confirm this. The relevant email address as stated in Point 2 above.

26. My child has been offered a place by the school that I was appealing. What do I do?

The Education Authority is likely to have been made aware of this but you should email the Clerk to the Tribunal at the relevant email address as stated in Point 2 above.

27. Where do I get help?

If you have any further queries about the appeal tribunal and the preparation of your case, please do not hesitate to contact the Clerk to the Tribunal by emailing the relevant email address as

stated in Point 2 above or telephone the Helpdesk 028 9598 5595.

28. What can I do if I am dissatisfied with the conduct of the Tribunal?

If you are dissatisfied with:

- a) the conduct of the Tribunal;
- b) the conduct of the Clerk;
- c) the administration of your appeal;

you should raise these concerns in writing with the Clerk (at the address below) or by emailing the relevant email address as stated in Point 2 above.

29. Postal address of the Tribunal

Clerk to the Tribunal
c/o Education Authority
3 Charlemont Place
The Mall
Armagh
BT61 9AX

30. Other Information

Admission Number

The Department of Education determines an admissions number for each school, in consultation with the Board of Governors and having also considered any representations made by the Council for Catholic Maintained Schools (CCMS) and the Education Authority in relation to all schools. The Board of Governors is not permitted to admit a greater number of pupils at the normal stage of entry to the school, unless it obtains the approval of the Department of Education.

Enrolment Number

The Department of Education determines an enrolment number, based on the physical capacity for each school, in consultation with the Board of Governors. The Board of Governors shall not:

- a) admit to the school a number of pupils which exceeds the school's admissions number for the year; or
- b) cause or permit the number of registered pupils at the school at any time to exceed the school's enrolment number.

Admissions Criteria

The Board of Governors of each grant-aided school is required to draw up admissions criteria. The Education Authority publishes criteria on behalf of all schools. If there are more applications than places available it is the admission criteria that are applied to decide which children are to be admitted to the school.