

# Schools Enrolment Appeals Procedure

## Section 1 - Purpose

(1) The purpose of this procedure is to set out the appeals process that applies to enrolment decisions made in accordance with the [Schools Enrolment Policy](#) and Procedure at Catholic Schools in the Catholic Diocese of Maitland-Newcastle (the Diocese).

## Section 2 - Scope

(2) This procedure applies to all staff and parents/carers of students seeking enrolment at a Catholic School in the Diocese.

## Section 3 - Procedure/Process

### Appeal an Enrolment Decision

(3) If the enrolment application has been declined or rejected by the Principal, you may apply for an appeal to the Schools Enrolment Appeals Committee(EAC).

### Seeking a Review Informally

(4) If you are unsatisfied with the Principal's decision, the parent/s or carer/s are encouraged to first ask the Principal to informally review their decision.

(5) If informal resolution is inappropriate or unsuccessful, a parent or carer may submit an application for appeal.

### Submitting an Appeal

(6) An appeal must be submitted through the [Online Form or by emailing feedback@mn.catholic.org.au](#)

(7) For an appeal to be considered, the parent or carer must submit the appeal by no later than 10 school days after the day on which the Principal sent the outcome of the enrolment decision.

(8) An appeal must be in writing and must:

- a. state the decision made by the Principal;
- b. identify the ground of appeal;
- c. provide:
  - i. details and copies of any evidence to support the appeal; and
  - ii. relevant facts which support the appeal.

(9) It is the responsibility of the parent or carer to include any documents that are required to substantiate the appeal with their appeal submission.

(10) Late appeal applications will be rejected unless:

- a. the parent or carer has asked for an extension before the due date of the appeal application and the decision-maker or nominee approves the extension; or
- b. the parent or carer can show that circumstances outside of their control have prevented them from submitting an appeal application on time.

### Grounds for Appeal

(11) For each decision that may be appealed, the grounds for appeal are:

- a. there is evidence that there has been a failure to provide procedural fairness in making a decision; and/or
- b. the terms of the [Schools Enrolment Policy](#) and [Schools Enrolment Procedure](#) have not been followed in making a decision; and/or
- c. there is new evidence that was not available at the time the original decision was made, and this new evidence would have been a significant factor in the original decision.

### Decisions that may be Appealed

TYPE OF DECISION	DESCRIPTION
Commitment to Catholic Education	A decision about whether a commitment to Catholic Education has been demonstrated. (Schools Enrolment Policy clause 9 & 10)
Out of Catchment Area	A decision about a request to enrol in a Diocesan school that is not in the Catchment area or is not a pathway school. ( <a href="#">Schools Enrolment Policy</a> clause 11-14 and 20-24)
Enrolment Prioritisation - Primary	A decision about the priority classification of an enrolment application in a Diocesan Primary School. ( <a href="#">Schools Enrolment Policy</a> clause 15)
Enrolment Prioritisation - Secondary	A decision about the priority classification of an enrolment application in a Diocesan Secondary School. ( <a href="#">Schools Enrolment Policy</a> clause 16-19)
Form of Application	A decision about an enrolment application that does not contain all required information and/or supporting documentation or has not been submitted using the nominated enrolment form. ( <a href="#">Schools Enrolment Policy</a> clause 25& 26)
Late Application	A decision about an enrolment application submitted after the enrolment cut-off date. (Schools Enrolment Procedure)
Complex Enrolment Application	A decision about an enrolment application that contains extensive information and/or supporting documentation such as an enrolment application where substantial adjustments are required.

### Appeal Process

(12) The assessment of an appeal made to the EAC will commence within 10 school days of the appeal application being submitted. The EAC considers the notice of appeal and any other relevant document or information and makes a recommendation to the Head of Catholic Schools.

(13) The EAC may identify other means of resolution in cases where an agreed negotiated solution is regarded as likely and/or an alternative solution can be proposed. The EAC can make these recommendations directly to the Principal.

(14) A parent or carer may withdraw their appeal application before the EAC considers the matters. This results in:

- a. the appeal being considered to have been dismissed; and
- b. the original decision will stand.

## **Appeal Decision**

(15) The appeals decision-maker or the EAC:

- a. Must assess the appeal having regard to the ground of appeal applied on; and
- b. At its discretion, may decide to assess an appeal on any ground listed in this procedure in addition to the ground identified in the appeal application.

(16) The appeals decision-maker or the EAC must:

- a. Limit the scope of its enquiry to:
  - i. the material and evidence that was before the original decision-maker; and
  - ii. where the ground of appeal is that there is new evidence, any new evidence submitted by the parent or carer.
- b. Take account of any relevant rules, policies or procedures of the Diocese.

(17) For an appeal on the ground of new evidence, the appeals decision-maker or the EAC will decide whether that ground is made out, and

- a. If so, consider and decide the original decision afresh, taking the new evidence into account and making a finding on the balance of probabilities; or
- b. If so, the original finding should be reassessed by the Principal taking into account the new evidence; or
- c. If the ground is not made out, dismiss the appeal, if this is the only ground applied on.

(18) For an appeal on any other ground, the appeals decision-maker or the EAC will decide whether that ground is made out and:

- a. If so, uphold the appeal (in whole or in part), and decide whether:
  - i. the original finding should be varied, set aside or replaced with a different finding; or
  - ii. the original finding should be reassessed by the original decision-maker; or
- a. If the ground is not made out, dismiss the appeal.

(19) The appeals decision-maker or the EAC may also decide that, although the ground of appeal is made out, the original finding should not be set aside, varied or replaced. In this case, it may allow the appeal but confirm the original finding.

(20) In situations where the ground of appeal is made out but there are no available places at the School to grant the enrolment, the parent or carer will be offered a priority position on the School's waiting list or a position at an Out of Catchment Area School that has available places.

## **Notification of Appeal Decision**

(21) The appeals decision-maker or the EAC will, within 20 school days of the appeal being made, communicate the outcome of the appeal to the Principal stating:

- a. the finding and decision on appeal;
- b. a short statement of reason for the finding and decision; and
- c. a summary of the evidence on which the finding and decision was based.

(22) The Principal will communicate the finding and decision to the parent or carer within 2 school days of receiving the outcome of the appeal from the decision-maker or the EAC.

(23) The appeals decision-maker or the EAC is responsible for advising the Principal of any action they need to carry out.

(24) Principals must carry out the actions they need to as advised by the decision-maker or the EAC.

### **Appeals Decision Maker**

(25) The Head of Catholic Schools or nominee will be the appeals decision-maker unless:

- a. the Head of Catholic Schools or nominee promptly declares any actual or potential conflict of interest in accordance with the [Code of Conduct](#) and [Conflict of Interest Policy](#) and [Procedure](#); or
- b. the Head of Catholic Schools has been an original decision-maker.

(26) In such event, the Head of Catholic Schools or nominee will appointment an appropriate member of the Catholic Schools Leadership Team to act as the appeals decision-maker.

(27) The appeal decision-maker will consider the recommendations made by the EAC and make a final decision about the appeal.

(28) All decisions made by the appeals decision-maker are final and not subject to further review.

### **Document Review**

(29) This procedure will be reviewed when there is a legislative change, organisational change, delegations change, technology change or at least every 3 years to ensure it continues to be current and effective.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	20th February 2024
<b>Review Date</b>	6th December 2026
<b>Approval Authority</b>	Head of Catholic Schools
<b>Approval Date</b>	6th December 2023
<b>Expiry Date</b>	To Be Advised
<b>Unit Head</b>	Jacqueline Wilkinson Assistant Head Schools
<b>Enquiries Contact</b>	Catholic Schools

## Glossary Terms and Definitions

**"Conflict of interest"** - Conflict of interest refers to situations where a conflict arises between public or professional duty and private interest. This conflict could influence the performance of official duties and responsibilities. Such conflict generally involves opposing principles or incompatible wishes or needs. Conflicts of interests can be: ♦ Actual, involves direct conflict between your current duties and responsibilities and existing private interests; or ♦ Potential, where a person has private interest that could interfere with the performance of their official duties and responsibilities in the future. ♦ Reasonably perceived, where a reasonable person could perceive that your private interests are or are likely to improperly influence the performance of your duties, irrespective of whether this is the fact.

**"Principal"** - The most senior member of the teaching staff of a school, with responsibility for the effective and efficient day-to-day operations of the school, including compliance with the Education Act 1990.

**"Catchment area"** - The geographical area (influenced by the Parish Boundaries of the Maitland-Newcastle Diocese) in which student enrolments are accepted for a particular Catholic school. The School Catchment Area document is available on the Catholic Schools Maitland-Newcastle website.

**"Catholic School"** - Is one which operates with the consent of the diocesan Bishop and is one where formation and education are based on the principles of Catholic doctrine. It includes primary, secondary and K-12 schools.

**"Enrolment Appeals Committee"** - A committee convened to make recommendations about enrolment decisions where a relevant party has commenced an appeal, along with any other escalated and complex enrolment applications as required. Contributors may include the School Principal from the child's local catchment area, the School Principal from the school where the enrolment is sought and/or a Parish Priest and/or subject matter expert.

**"Pathway school"** - Geographical linked schools that operate as an Early Education to Year 12 pathway to provide students with an enriched, integrated educational and faith development experience. Details of pathway schools will be available on the Catholic Schools website.

**"Catholic Diocese of Maitland-Newcastle (the Diocese)"** - The Catholic Diocese of Maitland-Newcastle (the Diocese) is inclusive of all parishes and agencies, communities, ministries and works that are under the authority of the Bishop of Maitland-Newcastle. The Bishop takes his authority from Canon Law (Canons 375-402). The geographical coverage of the Diocese includes all or part of the Newcastle, Lake Macquarie, Maitland, Cessnock, Port Stephens, Singleton, Muswellbrook, Upper Hunter, Dungog and Mid-Coast local government areas, with almost 160,000 Catholics, 38 parishes and serviced by multiple diocesan ministries and agencies. The Diocese is not wholly geographic in nature. There are elements of the Catholic Church operating within the physical boundaries of the

Diocese that do not fall under the authority of the Bishop and are not a part of the Diocese. Equally, particular diocesan ministries occur within external institutions (e.g. Prison Chaplaincy, Hospital Chaplaincy).