

INDEPENDENT SCHOOL ADMISSION APPEALS PANEL

A Guide for Parents for Secondary School (Grouped Multiple) Appeals

If your child is not offered a place at your preferred school you have the right of appeal to a Panel set up under the School Standards and Framework Act 1998. The School Admission Appeals Code which sets out the requirements for dealing with Appeals together with associated guidance can be accessed at the website of Department for Children Schools and Families www.dcsf.gov.uk/sacode.

This Panel is independent of the School as the Admissions Authority and is not answerable to it. Its decision is final.

This guidance is intended to help you understand the appeal process. It explains what happens next and how the Independent School Admission Appeals Panel works.

WHY WILL MY CHILD HAVE BEEN REFUSED A PLACE AT MY PREFERRED SCHOOL?

The school is full and it would be difficult to admit another child without impacting on other pupils in the school;

WHAT HAPPENS AFTER THE SCHOOL HAS RECEIVED MY APPEAL?

The School will notify the clerk to the Appeal Panel that you are appealing and will prepare and collate the papers for consideration by the Appeals Panel.

The clerk to the Appeals Panel is responsible for the administration of your appeal and for giving legal and procedural advice to the members of the Panel. Although the clerk is employed by the School he acts in an impartial way and is not connected to the Children and Adults Directorate. The clerk is happy to answer questions about appeal arrangements but cannot advise on the details of your case.

MULTIPLE APPEALS

Where there are a number of appeals to be heard for the same school they will be considered by the same Appeal Panel and may be heard over a few days. No decision on individual appeals will be made until all appeals for that particular school have been heard. You will be advised of the decision within a few working days of the appeals finishing.

WHEN WILL MY APPEAL BE HEARD?

You can expect to have at least 10 school days notice of the date of your appeal and you should receive the appeal papers no later than seven working days before the hearing.

HOW LONG WILL MY INDIVIDUAL APPEAL HEARING TAKE?

Appeal hearings normally take an average of 30 minutes. Every effort is made to keep to your appointment time. However, occasionally there may be some delay if previous appeals take longer than expected.

INFORMATION FOR YOUR APPEAL HEARING

You will be sent a copy of the appeal papers at the same time as members of the Appeal Panel. The papers will include evidence provided by the School in support of their decision and a copy of your appeal with any supporting information you have submitted for consideration by the Panel.

When receiving the case papers, if you feel there is additional information you wish the Appeal Panel to consider, please arrange for such information to be supplied to the clerk as soon as possible. Whilst you may provide additional papers any time up to the appeal if you do this on the day of the hearing it might result in a delay in the start of your appeal while sufficient copies are made and in some cases could result in your hearing being deferred.

If, as part of your appeal you intend to refer to your child's health as a reason for wishing your child to attend a particular school, you should ensure that documentary evidence is supplied supporting your arguments, for example, a doctor's letter or relevant papers from a hospital consultant.

Please note that employees of the school being appealed for, or a member of the Admissions Authority for the school, must not support individual appeals at the hearing or by providing letters of support for appellants. This is because of possible conflicts of interest and the possibility of unfairness to other appellants.

APPEAL PANEL MEMBERS

An Appeal Panel is made up of three people who will consider your appeal, all of whom are independent of the Admissions Authority. The Panel will comprise at least one lay member and at least one member who has experience in education who is acquainted with educational conditions in Medway or who is a parent of a registered pupil at a school. None of the Panel members will have had any previous involvement in your case.

WHO ATTENDS THE APPEAL HEARING?

You will be invited to attend and put your case in person. An officer from the school is invited to explain why your child has been refused a place at your preferred school and to answer any questions you and the Panel may have. You are free to have legal representation although this should not be necessary. You may be accompanied by a friend, adviser, interpreter or signer who may speak on your behalf at the appeal hearing. The friend or adviser can be a Choice Adviser or an employee of the Council, such as an educational social worker, SEN adviser or learning mentor provided this will not lead to a conflict of interest. You may also be represented by a locally elected politician such as an MP or a Councillor. However employees of the school in question are not allowed to represent or accompany you. If you need further advice on this please contact me for help.

When you are advised of the date and time for your hearing you will be asked to complete a form confirming your attendance and asking whether you will be bringing anyone with you.

You are encouraged to attend the hearing but if there are special reasons why you cannot attend in person, you may ask the Panel to consider your appeal in your absence. Unless there are exceptional reasons why you cannot attend at the time that is offered, it will not be possible to offer an alternative date.

It is a matter for you to decide whether your child should attend the appeal hearing.

APPEAL PANEL HEARING

With the exception of infant class size prejudice appeals, all multiple appeals have a two-stage approach, which is explained in more detail below:-

- First Stage The Panel will consider whether the school is full;
- Second Stage The Panel will consider whether the published admission arrangements are lawful and have been correctly applied in your case and the individual circumstances relating to your appeal.

THE FIRST STAGE OF THE APPEAL

At this stage of your appeal the Panel has to consider whether the school is full. This involves assessing whether further children can be admitted to the school for which you have appealed without causing prejudice to the efficient provision of education or efficient use of resources at the school. All parents appealing for a particular school will be invited to attend this stage of the appeal, known as the grouped appeal, which will usually take place during an evening prior to the individual appeals. The Admissions Authority representative, the Panel members and the clerk will be present.

The format for the evening will be:

- ◆ The chair of the Panel will welcome all parents to the meeting and introduce those present. The chair will remind parents that **discussion of individual cases will not be permitted; the opportunity to discuss this will be at the second stage of the appeal, in private.**

- ◆ The School representative will explain why no further children should be admitted to the school.
- ◆ The Panel members will be invited to question the School representative on the arguments put forward.
- ◆ The chair will invite parents to ask the School representative questions. If you prefer to submit your questions in writing you may do so. A form inviting questions is enclosed with your letter. Any questions received will be read out by the clerk at the hearing. Questions must relate to the 'fullness' of the school and not to individual cases. **Questions which do not relate to the fullness of the school will not be read out.**
- ◆ Once the chair is satisfied that all questions have been asked by parents and the Panel, he/she will inform those present that a decision will be taken in private on the "fullness" issue and that parents will be notified of the decision in the final decision letter after all individual appeals have been heard.
- ◆ All parties, except the Panel and clerk, will be asked to leave.

THE SECOND STAGE OF THE APPEAL

The second stage of the appeal is your opportunity to present your individual case to the Panel in private. Before your appeal begins, the clerk will meet you and introduce you to the Presenting Officer from the Admissions Team.

At the individual appeal hearing the procedure is likely to be as follows:

- ◆ The clerk will introduce you and the Presenting Officer from the School.
- ◆ The chair will welcome you to the meeting and remind you of the names of the Panel members who you will have already met if you attended the first stage of the appeal.
- ◆ The School Authority representative will explain why your child has been refused a place at your preferred school. If you wish to ask the School representative any questions you may do so. The Panel will also ask questions.
- ◆ The chair will invite you to say anything in support of your case. You will have as much time as you need, but please remember that the Panel will have read the case papers in advance so there is no need to go over everything in detail. The Panel and the Presenting Officer may ask you questions if they need more information.
- ◆ The hearing finishes with a summing up from the Presenting Officer, and then you, having a chance to sum up. No new evidence should be given at this point.
- ◆ During the hearing the clerk will take brief notes of what is said. These are not published and will not be available to parents.
- ◆ At the end of the hearing you and the Presenting Officer will be asked to leave the room. The clerk will remain to record the Panel's decision, which is considered in private. You will be notified of the Panel's decision, in writing, normally within a few working days after the last appeal hearing for this school. The Panel's decision is final and is binding on the Admissions Authority.

THE DECISION

At stage 1 the Panel will decide whether admitting any additional children to the school would cause prejudice to the efficient provision of education or efficient use of resources at the school. The Admissions Authority must demonstrate prejudice will be caused by the admission of an additional child or children over and above the fact that the published admission number for the school has already been reached. The Panel is required to consider a number of factors

in reaching a decision as to whether or not there would be prejudice including the organisation and size of classes, the availability of teaching staff and the effect on children already at the school. This may also include considering, in light of current school organisation and structure, what effect an additional admission would have on later year groups (ie "future prejudice").

If the Panel decides that all the appellants' children could be admitted without prejudice to the school it must uphold all the appeals. One exception to this is in the case of appeals relating to grammar schools where the child has not reached the required academic standard. Such appeals will still need to progress to Stage 2.

Alternatively, if the Admissions Authority satisfies the Panel that there would be prejudice the Panel must move to the second stage of the appeal to decide whether any of the individual parental cases outweigh prejudice.

At stage 2 of the decision-making process the Panel must hear the appeals of all the parents individually in private, and consider whether the published admission arrangements are lawful and have been properly applied in each child's case.

The Panel will also consider for each individual case, whether the parent's grounds for their child to be admitted to the school outweigh the prejudice that would be caused. This involves no comparison between individual cases.

However, if there are several cases which outweigh the prejudice to the school and merit admission, but the Panel determines that the school could not cope with that number of successful appeals, the Panel must then compare all cases and decide which of them to uphold.

COMPLAINTS ABOUT THE CONDUCT OF YOUR APPEAL HEARING

Complaints to the Education Funding Agency (EFA)

The Education Funding Agency can investigate complaints about the arrangements for and conduct of your appeal hearing if it was for an academy. This is not a further right of appeal. The EFA will only consider complaints about maladministration which covers issues such as a failure to follow correct procedures or a failure to act independently and fairly, rather than complaints where you simply feel that the decision taken is wrong. The EFA is not able to overturn an Appeal Panel's decision but he may make recommendations for a suitable remedy, such as a rehearing of the appeal.

Complaints about Academies should be sent:

By email to academyquestions@efa.education.gov.uk

By post to Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH