

SCHOOL ADMISSION APPEALS

WHAT HAPPENS ON THE DAY OF THE APPEAL

This information relates to those seeking admission to a school where the infant class size legislation, which covers Years R, 1 and 2, does NOT apply.

Before the day of the appeal

You will have received details of the date and time of the appeal and the full pack of information available to the Panel.

People present at the appeal

1. **Independent Clerk to the Appeal Panel** - to advise the Panel on procedure. They take no part in the decision-making process and are not involved in the admissions process.
2. **The Presenting Officer from the Admission Authority** – either from the local authority or school (if it is an academy and therefore its own Admission Authority). They attend to explain why your child has been refused a place at the school.
3. **Three Panel Members** – recruited and trained in accordance with the guidelines set out. They are **completely independent of the Admission Authority** and have no connection with the Council. Any decisions they make in relation to the appeals are binding on the Admission Authority.

Procedure at the hearing

It is important you attend your hearing at the time given in your letter. There may be a number of appeal hearings for the same school which will have been closely scheduled and it is therefore necessary to try to avoid hearings overrunning to prevent delays for other parents waiting for their hearings. Appeal hearings are confidential so there should be no recording of the proceedings.

The procedure will vary depending on whether yours is the only appeal for a school or whether there are a number of appeals for the same school but it will allow for the following:

- The Chairman of the Panel who will conduct the hearing will introduce you to the other panel members, the Clerk to the Appeal Panel and the Presenting Officer
- The Presenting Officer will run through their Statement on behalf of the Admission Authority which explains why your child has not been offered a place at your preferred school (a copy of which you and the Panel will have already had)
- You and the Panel will be able to ask them questions on the Statement
- You will then have the opportunity to put your case to the Panel (the Panel will have all the paperwork that you have sent in and will have read it all in advance of the hearing)
- The Panel and the Presenting Officer will be able to ask you questions on your case
- Both parties will be asked to sum up their cases
- The appeal will then end and you and the Presenting Officer will leave the meeting at the same time.

How the Panel will consider the appeals

The LEGISLATION allows parents to express a **preference** as to the school they wish their child to attend.

The Admission Authority are under a duty to comply with that preference UNLESS **compliance with the preference would prejudice the provision of efficient education or the efficient use of resources.**

'Prejudice' is the idea that a school can cope with a certain number of pupils and when that number is reached any extra children will cause difficulties/detriment (will be prejudicial) both for the pupils already in the school and for those that would be added. This is what the Admission Authority will be maintaining in their Statement.

The decision-making process followed by the Panel

The Appeal Panel, having heard and read the case for both parties, will consider all the information available very carefully, before making their final decision. The Appeal Panel must follow a two-stage decision making process:

STAGE 1

HAVE THE ADMISSION AUTHORITY FOLLOWED THE LAW AND THEIR OWN RULES? (i.e. were the admission arrangements properly implemented). The appeal will only be successful if the child would have been offered a place if the admission arrangements had complied with admissions law and had been correctly applied.

WOULD THERE BE PREJUDICE CAUSED BY ADMITTING FURTHER PUPILS?

- If NO (i.e. disagree with Admission Authority) the Panel can admit additional pupils to the particular year group. This may not mean all the appeals, if there is more than one, are upheld.
- If YES (i.e. they agree with the Admission Authority that there would be prejudice or your appeal has not been upheld where there was a finding of no prejudice (see above)) then the Panel move onto Stage 2.

STAGE 2 Despite agreeing that there would be prejudice ARE THERE ANY SPECIAL REASONS PUT FORWARD WHICH WOULD JUSTIFY OVERRIDING THE PREJUDICE CAUSED?

- If YES – there are special reasons, then the appeal is UPHELD and a place will be made available (this decision is binding on the Admission Authority)
- If NO – the reasons do not outweigh the prejudice to the school, then the appeal is turned down.

Notification of the decision

You will receive an initial email on the day the decision is made to notify you whether your appeal was upheld or refused. Please note that if the Panel is considering a number of appeals for the same school over more than one day the decisions will be made after all the appeals have been heard, meaning that you may not have the result for a few days. You will then receive a letter by email giving the details of the decision within 5 school days of the decision being made, wherever possible.

Further action

If you win your appeal and get a place at your preferred school we will let the school/local authority know and your child will be able to start at the school. If you are unsuccessful, there is not another appeal, as legislation only permits one for the same school, per academic year. For intake appeals there may be some movement of pupils between the time of your appeal and September and so you may still get a place off the waiting list. You may want to discuss other options or alternatives with the relevant Admission Authority.

If you are unhappy with the decision of the Appeal Panel then you are free to seek legal advice or follow up other courses of action (details of which are contained in the Parent's Guide on the website).

If you have any questions prior to your appeal please contact the Appeals Team at on 01905 843579 or AppealsTeam@worcestershire.gov.uk, - please supply the name of the school you are appealing for and your child's name if the contact is by email.