

Multiple Appeals

Where more than one person is appealing for the same school there will be two parts to the meeting and the table below shows what will happen:

PART 1 (parents present as a group)	PART 2 (with each set of parents seen individually at 15-20 minute intervals)
<ul style="list-style-type: none"> ● Presentation of the Admission Authority's statement ● Questions by parents and members of the Appeal Panel on the statement 	<ul style="list-style-type: none"> ● Your opportunity to speak to the Panel in private on your individual grounds concerning (a) – (c) above under "Decision Making" ● Questions by Panel and the Admissions Officer ● Summing up by Admissions Officer ● You have the final word

Do I need to be at the Appeal?

The Appeal Panel can consider your Appeal on any letters or other written material you have sent, but it may help your case if you are there on the day to put your views and answer any questions. Dates for meetings are **usually** during term time so as not to clash with holiday times (Half term breaks are not considered to be main holidays). Dealing with large numbers of appeals sometimes means dates have to be arranged during school holidays although every effort is usually made to avoid this. If you know you will not be able to attend an appeal at a certain time let the Clerk know as soon as possible. If it is possible the Clerk will try to make alternative arrangements. **Please remember that if you do not attend the Appeal hearing and the Clerk has not received a reasonable explanation as to why you have not attended the Panel will consider the Appeal on any letters or written material sent.**

How long will the Appeal process take?

It is difficult to say exactly. If this is a single Appeal

about an hour. If there is more than one Appeal you will be given a time for the Admissions Officer's presentation and then a second time for your individual Appeal. **You need to arrive in good time for the first time shown in your letter, this is the start of the Appeal.** The waiting time may vary from as little as 5 - 10 minutes up to 2 hours. It is wise, if you are taking time off work, to reckon on either a whole morning or a whole afternoon.

A typical timetable may be:

10.00 am Presentation of the case by the Admissions Officer and questions by parents and members of the Panel.

Individual Appeals:

- 10.45 am** First Appeal
- 11.00 am** Second Appeal
- 11.15 am** Third Appeal
- 11.30 am** Fourth Appeal
- 11.45 pm** Fifth Appeal
- 12 noon** Sixth Appeal

When will I know the decision?

The Clerk will write to you with the Appeal Panel's decision usually within a day or two of it being made, although it may take longer at busy times of the year. This decision is binding on the Admission Authority. If it is possible to let you know sooner you may be given a telephone number to ring after a certain time.

If this is the case the Clerk or colleague(s) will only be able to give you a "yes" or "no" answer so as not to tie up the line for other callers.

What can I do if I'm unsuccessful?

If you are unsuccessful at Appeal you will be sent details of other courses of action with your decision letter. They are also included in the note at the back of this guide.

Director of Resources Clerk to the Appeal Panel

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NOTE

PARENTAL PREFERENCE APPEALS GUIDANCE TO PARENTS UNSUCCESSFUL AT APPEAL

Whilst there is no further appeal you may wish to take legal advice on any courses of action open to you.

One avenue that some appellants choose to pursue is a complaint to the Commission for Local Administration in England. The Commission for Local Administration in England, more commonly known as the Local Government Ombudsman, look into complaints about such matters. The Ombudsman may investigate whether you have been treated fairly, although he cannot look at the merits of the decision. Most importantly the Ombudsman cannot award a place at the school for which you have appealed.

The address of the Ombudsman is:

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH
Tel. 0845 602 1983 or 0300 061 0614

The Ombudsman has pointed out that s/he can only investigate the administrative process by which an Appeal Panel has reached a decision; in the absence of any evidence of fault in that process s/he may not substitute his/her judgement for that of the Panel on the merits before them. As s/he points out, his/her consideration of a complaint about an appeal is not a further stage in the appeal process, as s/he has no powers to review the decision the Panel made. The crucial question for him/her to address is whether or not the Appeal Panel followed the correct procedure in arriving at its decision. Whatever you decide to do there is no guarantee of a place for your child at the preferred school. Once again I must advise you to contact the Admissions Officer who was at your appeal to talk about the options now open to you. The Admissions Officer will be able to talk about waiting lists, alternative schools, transport options and if necessary 'education otherwise' or offer the name of someone who can.

appeals secretariat

Admission to schools in Worcestershire

A Parents' guide to the appeals process - pupils in infant classes where "class size prejudice" rules apply

If you can not understand the contents of this document and do not have access to anyone who can translate it for you, please contact 01905 765765 for help.

বাংলা। আপনি যদি এই দপিলের বিষয়বস্তু বুঝতে না পারেন এবং আপনার জন্য অনুবাদ করার মত পরিচিতি কেউ না থাকলে, অনুগ্রহ করে সাহায্যের জন্য 01905 765765 নম্বর যোগাযোগ করুন। (Bengali)

廣東話。如果您對本文檔內容有任何不解之處並且沒有人能夠對此問題做出解釋，請撥打 01905 765765 尋求幫助。 (Cantonese)

普通话。如果您對本文文件內容有任何不解之處并且沒有人能够对此问题做出解释，请拨打 01905 765765 寻求帮助。 (Mandarin)

Polski. jeżeli nie rozumieją Państwo treści tego dokumentu i nie znają nikogo, kto mógłby go dla Państwa przetłumaczyć, proszę zadzwonić pod numer 01905 765765 w celu uzyskania pomocy. (Polish)

Português. Se não conseguir compreender o conteúdo deste documento e não conhecer ninguém que lho possa traduzir, contacte o 01905 765765 para obter assistência. (Portuguese)

Español. Si no comprende el contenido de este documento ni conoce a nadie que pueda traducírselo, puede solicitar ayuda llamando al teléfono 01905 765765. (Spanish)

Türkçe. Bu dokümanın içeriğini anlayamazsanız veya dokümanı sizin için tercüme edebilecek birisine ulaşamıyorsanız, lütfen yardım için 01905 765765 numaralı telefonu arayınız. (Turkish)

اردو۔ اگر آپ اس دستاویز کی مشمولات کو سمجھنے سے قاصر ہیں اور کسی ایسے شخص تک آپ کی رسائی نہیں ہے جو آپ کے لئے اس کا ترجمہ کر سکے تو، براہ کرم مدد کے لئے 01905 765765 پر رابطہ کریں۔ (Urdu)

کوردی سۆزانی. ئنگەر ناتۆانی تیبگدی له ئاوێڕۆکی ندم بئێگهیه و دهمست به ههچ کسێ ناگهت که و جیبهگێرتنه پۆت، تکایه تهلپۆن بکه بو ژمارهی 01905 765765 و داوا یهتی بکه. (Kurdish)

ਪੰਜਾਬੀ। ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮਹੱਤਵ ਸਮਝ ਨਹੀਂ ਸਕਦੇ ਅਤੇ ਕਿਸੇ ਅਧਿਕਾਰੀ ਤੱਕ ਪਹੁੰਚ ਨਹੀਂ ਹੈ, ਜੋ ਇਸਦਾ ਤੁਹਾਡੇ ਲਈ ਅਨੁਵਾਦ ਕਰ ਸਕੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਮਦਦ ਲਈ 01905 765765 'ਤੇ ਫ਼ੋਨ ਕਰੋ। (Punjabi)

The County Council as Admission Authority (AA) provides First, Middle, Primary and High Schools.

This guide explains what happens if you want to appeal and your child is, or will be, in an infant class. (Year R - Year 2) and the “class size prejudice” rules apply.

Education for your child

The law allows you to express a preference for the school you would like your child to attend. However, you do not have an absolute right to choose a school because AAs must ensure that infant class sizes are limited to a maximum of 30 with a single school teacher. The law says the County Council need not meet your preference if there would be “class size prejudice” or prejudice by reason of any “qualifying measures” required to be taken to comply with the limit on infant classes. This may include the need to employ an additional qualified teacher, build an extra classroom or have mixed-year teaching groups.

An Appeal Panel – why?

As your preference for the school you would like your child to attend has not been met by the Admission Authority, the law gives you a chance to put your case to an independent Appeal Panel. **However you should be aware that there are very strict limits placed on what Panels may do, explained in the ‘Decision Making’ section of this leaflet**

Where does it all take place?

Meetings are usually held in County Hall. **If you have a disability or a special need which would make it difficult for you to attend, please let me know as soon as possible.**

Who will be at the Panel?

The Appeal Panel is made up of three people who are not members of the County Council, who are totally independent and are generally not from your local area.

An officer from the Children’s Services Directorate, or the school in some circumstances, will be present to put the Admission Authority’s position.

One of my colleagues will be present to act as Clerk. The Clerk will take no part in the decision making but is there simply to advise the Panel on the right way to do things. The Clerk is present to see “fair play” and usually brings a colleague who will take notes for the Panel.

Is it like a Court?

No. We want the Appeal to be as informal as possible and not like a Court of Law. You can bring a friend, a member of your family or your neighbour along with you, either to help you say what you want or to speak for you or simply to give you support. There has however got to be a degree of formality to ensure everyone has their say and everyone has an opportunity to ask questions.

The Government have advised the County Council that legal representation ought not to be necessary and that Appeals should normally take place in as informal an atmosphere as possible.

So what happens?

We try to make the Appeal informal, but so that everyone gets a say there is a simple order to follow.

It will depend on whether the Appeal Panel is only considering your case, or whether it has a number of Appeals to consider. It has been known for as many as 50 Appeals to be considered over a number of days.

Everyone gets their say - but how do the Panel make their decision?

Earlier in this leaflet in the section called “*Education for your child*”, it says that the only way the Admission Authority can refuse your preference is where they say class size prejudice would occur or that prejudice to education would occur by reason of any measures the AA would have to take to comply with the duty to limit infant class sizes to 30.

Decision Making

The Admission Authority must limit the number of pupils in each infant class to 30 with a single school teacher. The only way the Admission Authority can refuse your preference is when this limit has been reached or qualifying measures are required. They say ‘class size prejudice’ would occur.

Where a child has been refused admission to a school on infant class size prejudice grounds, **an appeal panel can only offer a place to a child where it is satisfied that either:**

- (a) the child would have been offered a place if the admission arrangements had been properly implemented;
- (b) the child would have been offered a place if the arrangements had not been contrary to mandatory provisions in the School Admissions Code and the SSFA 1998
- (c) the decision was not one which a reasonable admission authority/governing body would make in the circumstances of the case.

In relation to (a), it is not enough that there has been a mistake in implementing the school’s admission arrangements. In order to uphold an appeal the Panel must also be satisfied that, had the arrangements been carried out properly, the child in question would have been admitted to the school.

In relation to (c), in order for a Panel to determine that an Admission Authority’s decision to refuse admission was unreasonable, it will need to be satisfied that the decision to refuse to admit the particular child was “perverse in light of the admission arrangements”, i.e. it was “beyond the range of responses open to a reasonable decision maker” or “a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it.”

In summary your appeal will be dismissed unless you can substantiate one of three above grounds.

Single Appeals

If yours is the only Appeal you will be asked to come into the room with the Admissions Officer. The Chairman will then give a brief introduction lasting a couple of minutes. The Clerk will already have sent you the Admission Authority’s case - or statement - and the Admissions Officer will be asked to explain it.

After this you will be given a chance to ask questions about the statement. Members of the Panel will also ask questions and very rarely the Clerk may ask questions to make clear any points of doubt.

You will then be asked to say why your child should go to your preferred school. Please bear in mind the information contained in the “Decision Making” section above. When you have finished the members of the Appeal Panel will have a chance to ask questions, and this time the Admissions Officer may also ask questions of you.

The Admissions Officer will then sum up the Local Education Authority’s case and you will be asked to sum up yours. **If you feel you have anything left to say please say it now.**