

SCHOOL ADMISSION APPEALS

GUIDANCE NOTES FOR VOLUNTARY AIDED/FOUNDATION SCHOOLS & ACADEMIES

This leaflet explains the admission appeal process as it applies to Voluntary Aided/Foundation schools and Academies.

Please read carefully and if you have any questions contact:

**ENFYS HUGHES (MRS)
(School Appeals Officer)
Bath & North East Somerset Council
Democratic Services
Lewis House
Manvers Street
Bath
BA1 1JG**

**(01225) 394410
e-mail: enfys_hughes@bathnes.gov.uk**

Introduction

This leaflet is aimed at schools, academies, headteachers and governors who have requested the authority School Appeals Officer to organise admission appeals and will be presenting the case for their school. We hope it will be useful in explaining the background, avoiding the pitfalls and ensuring that, whatever the result of the appeal, you feel that you have taken part in a fair and transparent process.

Appeals – legal background

If parents are refused a place at their preferred school, they have the right under the Schools Standards and Framework Act 1998 (Section 94) as amended by the Education Act 2002, to appeal against the decision. As such, the appeals process is based in law and the panel's decision is final and binding on all parties. Thus, it is important that the process is organised and administered correctly. If this is not done, schools could be exposed to lengthy and expensive litigation. It is our aim in the appeals service to avoid that eventuality so this is why we ask you to comply with the recommendations in this guidance for your own and the parents' protection. All appeals are conducted according to the School Admission Appeals Code 2012 and within the requirements of the Human Rights Act and Equalities legislation.

The appeals service is run by Democratic Services which is the section of the Council responsible for organising and running Council meetings and councillor support. Democratic Services is totally separate from admissions and education and is independent of the admissions process. A brief summary of that process is set out below.

The bulk admissions process and appeals

Starting Primary, Junior or Secondary School for the first time (often known as Bulk Admissions) applications are administered via the co-ordinated admissions process.

- Any application for a school place for a bulk admission or transfer must be made to the Local Authority
- The applications for those who express a preference for a VA/foundation school/academy are sent to the school
- If a place is refused, parents have the right to appeal
- Parents will register their appeal with the admissions service or the school direct if the school organises its own appeals
- Once the school has been notified of the appeal, they should contact the School Appeals Officer to make arrangements

In-year mover appeals

These are heard throughout the school year when parents make applications for admission to any year groups. For all secondary schools and primary voluntary aided/foundation schools and academies, application is made directly to the school. At this point the school should make contact with the School Appeals Officer.

How are appeals organised?

Once an appeal is requested, the School Appeals Officer will liaise with your school and panel members to organise a hearing date which is convenient for the school and the parents. Hearings will usually take place in Council buildings either in Keynsham or Bath

The appeals guidance requires that parents must have at least 14 days' notice of their hearing and also that they and the Panel should receive the appeal papers at least 7 days before the hearing.

Paperwork from the Local Authority

For 'bulk' appeals (for Reception and Year 7) the Council's admissions team will send you the parents' application forms, together with the letter from the authority to the parent explaining why they have been refused a place. For 'in year' applications, the school will have copies of all the paperwork.

You should copy the written information above and send it, together with the school's case (see below) to the School Appeals Officer at least a fortnight before the appeal date. *The appeals officer needs all the papers in order to copy them for the Panel, School and parents.*

Making the school's case

Prior to the hearing, the clerk will contact you about the written information that the school should present at the hearing. The case should contain the following minimum information:

- a) The letter to the parents from the governors giving the reasons for refusing them a place
- b) The parents' letter of appeal
- c) Any other relevant correspondence between the school and the parents
- d) The school's admission policy and criteria
- e) Information about total net capacity, class organisation and the teaching/ non-teaching staff
- f) Information about the buildings, play areas and other facilities (including classroom sizes)
- g) Information about the SEN numbers and provision by year group
- h) Any proposals for developments at the school

It is vital that, if you have more than one appeal for your school at the hearing, you supply the same information (whether verbal or written) to each set of parents. Of course, there may be variations to your case if appeals are from different year groups, but the principle should be that the basic information is consistent across all cases.

The Appeal Panel

All panel members have been trained. The panel is independent of the LA (or Governing Body in the case of VA/Foundation Schools or Academies) and has no connection with any of the schools under consideration. Three people sit on each school admission appeal panel, they include the following:

- **Education member** - people who have experience in education, are acquainted with educational conditions in the LA's area or who are parents of registered pupils at a school; and
- **Lay member** - people who have no personal experience in the management or provision of education in any school (other than as a school governor or volunteer helper)
- **Diocesan representative** - In the case of Voluntary Aided schools, there will normally be a member who has been appointed by the Roman Catholic or Anglican Diocese. This person can be a lay or an education member.

Who else will be at the hearing?

People allowed to be present at a hearing are the School Appeals Officer (clerk), the headteacher/governor presenting the case, the parents and anyone the parents choose to bring with them.

The School Appeals Officer (a member of the Council's Democratic Services section) will take notes at the hearing and give guidance on the conduct of the appeal if necessary. They also ensure that the relevant facts are established and that the appeal hearing is conducted fairly.

The Headteacher/Governor will present the school's case and explain why the child's admission to the school has been refused.

At the Appeal Hearing

We try to keep appeal hearings as informal as possible, but we have a set procedure to ensure all appeals are heard in the same way.

Individual (or in-year mover) Appeals

When you arrive for the hearing, the Clerk will meet you, check that you are aware of the procedures and answer any questions you may have. You will then be taken to the appeal room at the same time as the parents and after meeting the Panel, the order of the hearing will be as follows:

1. STAGE 1 – presentation of the school's case
2. Questioning by the parent and panel
3. STAGE 2 - presentation of the parent's case
4. Questioning by the school's representative and the panel
5. Summing up by the school's representative
6. Summing up by the parent

When answering questions from the Panel or parents, you should be clear and consistent and avoid the use of jargon and acronyms. Also, when asking questions of the parents, please remember they are not there to be cross-examined.

Group presentations of the school's case at bulk appeals

If there are more than 5 appeals for your school, we would normally advise that we hold a group presentation of the school's case, called Stage 1. This means that you will only have to present the case once to all the parents who are appealing. If the Panel finds that there would be prejudice to the school by admitting all the appellants, then we move to Stage 2 to hear individual parents' cases.

The Decision Making

The panel will make its decision after hearing the case for both parties. With the group/bulk appeals, the appeal panel will make its decision for each case once all of the appeals for that school have been heard. Decision-making is a two-part process:

First : the decision to refuse

The panel considers the school's case and decides whether admitting the child would affect or 'prejudice' the provision of efficient education or the efficient use of resources. If they feel 'prejudice' has been proved, they move on to the next stage:

Second : the balancing stage:

The panel has to balance the parents' reasons against the case made by the school. If the panel feel that the parents' reasons outweigh those of the school, the parent's appeal will be upheld and their child will be given a place at your school.

Infant Class Size appeals

This kind of appeal will be conducted in exactly the same way as other appeals, but the Panel's decision-making options will be limited by the requirements of the Infant Class size legislation. The Panel can only consider the following factors:

- a. whether the admission of an extra child would breach the infant class size limit
- b. whether the admission arrangements are lawful and comply with the School Admissions Code
- c. whether a mistake was made and your child would have been given a place if the mistake had not been made
- d. whether the decision was one which a reasonable admission authority would make in the circumstances of the case

Results of Appeals

After the hearing the School Appeals Officer will advise all parties when the decision will be available. The School Appeals Officer will contact you (usually via email) with the result of the appeal. You will also be informed in writing.

The decision of the Panel is final and binding on both parties.

If you have any queries about the appeals process, please contact:

Enfys Hughes (Mrs)
School Appeals Officer
Tel: (01225) 394410
Email: enfys_hughes@bathnes.gov.uk.

Useful addresses

Department for Education

Website: <https://www.gov.uk/schools-admissions>

Advisory centre for Education (ACE)

Website: [http://www.ace-ed.org.uk/advice-about-education-for-parents/school admissions and appeals](http://www.ace-ed.org.uk/advice-about-education-for-parents/school_admissions_and_appeals)

If you wish to make a complaint about the appeal process, write to:

Local Government Ombudsman

Website: <http://www.lgo.org.uk/>

Prepared by Bath & North East Somerset Council Democratic Services
March 2017