

Admission Appeal – Guidance Notes for Parents (In-Year Appeal)

APPEALS IN 2023 WILL BE HELD VIA ZOOM

Please read these notes before completing the Notice of Appeal Form

Some Background

The Academy Trust or Governing Body is the admission authority for Academies, Foundation Schools and Voluntary Aided Schools. They make the decision about the admission of pupils/students (not the Local Authority or the Diocese).

Parents and legal guardians have the right to appeal against the decision not to offer a place for their child at the school.

The clerk, who works in conjunction with the Diocesan Board of Education, sets up an Independent Appeal Panel to hear your appeal.

The most up to date school admission appeal law can be found in the School Admissions Code 2021 and the School Admission Appeals Code 2022, which are produced by the Department for Education.

Parental Preference

An applicant is able to express a preference regarding the school they would like their child to attend. If you make an In-Year application you will be offered a place at the school unless the school considers that the admission of another child would prejudice the provision of efficient education or efficient use of resources.

Your Right to Appeal

As stated above, if your child has not been allocated your school of preference, you have the right to appeal. The law gives you the opportunity to put your case to an Independent Appeal Panel. The appeal panel consists of members appointed by the Diocesan Board of Education and is completely independent of the school. There are three members on each panel; at least one must be a *lay member*, that is someone without personal experience in the management or provision of education and at least one must be a *non-lay member*, that is, someone with experience in education.

The panel is able to decide that a place should be allocated, even though this would mean that the Admission Number would be exceeded. The decision that the panel makes is binding on the school and the parents/legal guardians and is the final action available (unless there is a complaint about the appeal process).

Notice of Appeal Form

If you would like to appeal for a place at a preferred school, you will need to complete a Notice of Appeal Form. On the form, you should explain why you believe your child should be allocated a place at the school. Please give your reasons in as much detail as you are able. You may also wish to include supporting evidence, where this is directly relevant to the points you are making.

This may include:

- If your case is based on medical or social grounds of either your child or anyone else in the family, you should, wherever possible, provide written evidence from a doctor or other professional, such as a social worker, to support this.
- If your case is based on a house move you could provide documentary evidence of this.
- Any other letters, reports or documents which may help to support your case.

However, it is important to remember that an appeal panel is unable to attach any weight to your child's academic achievements, attendance record or participation in school events.

Please refer to the school and/or Diocese website and guidance information for the timeframe and place where to submit your Notice of Appeal.

NB. If you do not attend the appeal hearing in person, it will be heard in your absence. In these circumstances, it is extremely important to write down as much as possible regarding your case, as the panel will make a decision based on the written evidence you supply.

The Appeal Hearing

On receipt of your Notice of Appeal Form, you will be provided with details of the date and time of the appeal hearing. The appeal process will take place remotely and the appeal clerk will provide more detail to you about this in the acknowledgement of your notice of appeal.

You will be sent a copy of the school "Statement of Case" and details of the procedure that will be followed at the appeal hearing. However, it may be helpful for you to know, in outline, what will happen on the day of the appeal.

The Appeals Administrator will ensure that the members of the panel receive all of the relevant papers at least seven school days before the date of the hearing.

The appeal hearing will be in two parts. The process begins with someone from the school (known as the "Presenting Officer") addressing the panel as to why your application was refused. They will refer to the school's Statement of Case and will explain why the school believes that no further pupils/students can be admitted to the school without causing "prejudice to the provision of efficient education or the efficient use of resources." The Presenting Officer may be a governor, teacher or a staff member who deals with admissions. After the presenting officer has presented the school case, you and the Panel will have an opportunity to ask questions.

If there are other parents appealing for a place at the school, in the same year group, they will also be invited to be present during this part of the appeal. This is because the school case is about facts and figures about the school and the prejudice the school believes will be caused by admitting additional pupils/students. It ensures that all parents have the opportunity to hear the school case. There is no discussion about individual cases during the first part of the appeal.

The second part of the hearing, which takes place if the panel accept the school case, is an individual meeting relating to each student. This will be done in the presence of the panel and the school representative only. All parents have their own individual and confidential hearing. You will be able to explain why you believe your child should be allocated a place at the school. The Panel has the power to decide that your circumstances outweigh the prejudice that would be caused to the school and can allocate your child a place.

Should parents attend the hearing?

Yes if at all possible!

The child's parent/legal guardian or carer is likely to be the best person to tell the appeal panel why it is so important for the child to attend the school of preference and to provide the panel with information to help them to make an informed decision.

You are entitled to bring your partner, a member of your family, a friend or adviser along to the appeal with you and if you want to, they may help you present your case. It should not normally be necessary for you to bring a solicitor or lawyer as this is not a court of law and we aim to keep the hearing as informal as possible.

It is for parents/legal guardians to decide whether their child should attend the hearing.

Help Preparing your Appeal

These guidance notes should provide some useful information when preparing your appeal but you will have the opportunity to clarify or raise any issues with the appeal clerk right up to the time of your appeal.

After the Appeal

After the appeal, the clerk will write to you to inform you of the panel's decision. This will normally be within 5 school days of the appeal.