

A guide to **School** **Admission** **Appeals**

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How do I submit an appeal?

The first step is to carefully complete an appeal form which should be returned to the Clerk at the address at the end of this leaflet.

The Clerk will acknowledge receipt of your appeal form within one week. If you do not hear anything within that time, please telephone 01753 875015 to check that the form has been received.

A copy of your appeal form will then be sent to the admission authority who will prepare a statement detailing how the school's admission criteria have been applied and the reasons for not offering your child a place at your preferred school.

The admission authority also supplies to the Clerk copies of any relevant previous correspondence, including your application form, if applicable. All this information will be circulated to you and the Panel before the hearing.

You can submit written material in support of your appeal up to 3 days before the appeal hearing date, although it would be helpful if you submit the material as early as possible.

You will receive ten school days notice of the date and time of your appeal unless you have waived the statutory notice period. You will be informed of the venue, as well the names of the Panel Members and the procedure to be followed at the appeal. You will also be sent a copy of the admission authority's statement before the hearing.

Who sits on an Appeal Panel?

Panels are made up of three members. At least one member must have experience of education provision (such as a parent of a child at school or an ex-teacher) and at least one must be a "lay" member, without any experience in education.

None of the Panel will have any connection with the school you are appealing for, the school that you have been allocated or will have been involved in the original allocation decision.

Who attends the appeal?

You have a right to attend the hearing and it is very helpful if you can attend to put your case. A friend or another family member may also attend to support you or help you put your case. Legal representation is seldom required and you should be aware that the Panel is unable to pay any of your costs.

If you decide not to attend the hearing, your appeal will be heard in your absence based on the written material you have submitted.

A representative from the admission authority, sometimes supported by the school's Headteacher, attends to put the school's case.

The Clerk to the Appeal Panel will be present throughout the hearing. The Clerk has no role in the decision making process but is an independent source of advice and takes a note of proceedings.

What will happen at my appeal?

The Chair decides how the appeal hearing is run. Hearings should be as informal as possible but the normal procedure is as follows:

- i) The Chair will welcome you to the appeal, outline the procedure and introduce to you the other Panel Members, the admission authority representative and the Clerk.
- ii) The admission authority's representative will begin by explaining why your child has not been offered a place at your preferred school. If you or the Panel wish to ask any questions on what has been said this is the time to do so.
- iii) The Chair will then ask you to put your case, and it is important that you tell the Panel everything that is relevant to your case. The Panel and the admission authority's representative will then ask you questions on what you have said.
- iv) The Chair will give both parties the opportunity to sum up their case before being asked to leave the room.

- v) The Panel will then discuss the appeal in private and come to a decision which will be recorded by the Clerk

Appeals are timetabled and every effort is made to keep to your appointed time. Please note that there is occasionally some delay if previous appeals have taken longer than expected.

Before the hearing you will be given a reply slip which you should return to the Clerk to indicate whether you will be attending the hearing. If you do not attend at the appointed time, the panel may decide to hear the appeal in your absence.

How is the decision made?

Infant class appeals – Reception, Year 1 and 2

The School Standards and Framework Act 1998 states that there cannot be more than 30 pupils in an infant class (Reception, Year 1 or Year 2).

In most cases, the admission authority will have refused to admit your child to because to do so would cause a class to breach the legal limit of 30. If yours is an infant class appeal, this will be explained in the papers circulated before the hearing. If you are unsure, contact the Clerk.

It is important to note that for this type of appeal the powers of the Panel are **extremely limited** and Panellists are only allowed to consider strict criteria set by the Appeals Code.

Therefore, an infant class appeal will only be allowed if any of the following criteria apply:

- a) the admission of your child would not breach the legal limit
- b) the admission criteria were not lawful
- c) the admission criteria were incorrectly or impartially applied and your child would have been offered a place if they had been correctly and impartially applied
- d) the decision to refuse was not one which a reasonable admission authority would have made in the circumstances of the case.

The threshold for finding that the decision to refuse admission was not one that a reasonable authority would have made is **high**.

The Panel will only find that the decision to refuse a place in Reception, Year 1 or 2 was unreasonable where it believes that the decision was perverse and no reasonable person could have arrived at that decision. In recent years very few appeals for Reception, Year 1 or 2 have been successful.

When will I find out the decision?

The Clerk will write to let you know of the Panel's decision within five school days. If multiple appeals for the same school are heard over a number of days this may delay the decision. You will be told at the hearing when you should receive the decision.

The decision of the Appeal Panel is final and binding and there is no right of appeal against this decision. However, the Local Government Ombudsman (the Department for Education, where the School is an Authority), can consider complaints from you if you consider the Panel or admission authority has not followed the correct procedures.

Further Information

For further information regarding the appeals procedure contact: Clerk to the Appeals Panel, Democratic Services, St. Martin's Place, Bath Road, Slough, SL1 3UF (01753) 875015. nadia.williams@slough.gov.uk

For information relating to schools or waiting lists please contact the Admissions & Access Team on 01753 875728 (10am to 4.30pm Wednesday and Friday) or admissionshelpline@slough.gov.uk.