

Appeals Secretariat

Admission to schools in Worcestershire – parents' guide to the appeals process

The County Council as Admissions Authority (or the school itself as Admissions Authority in the case of Academies, Foundation Schools, Free Schools and Voluntary Aided Schools) provides school places for children of statutory school age including First, Middle, Primary and High Schools.

This guide explains what happens if you want to appeal.

Education for your child

The law allows you to express a preference for the school you would like your child to attend – 'your preferred school'. However, you do not have an absolute right to choose a school because the law says the Admissions Authority need not meet your preference if the year group in question is full and meeting your preference would prejudice the provision of efficient education or the efficient use of resources.

An Appeal Panel - why?

Because your school preference has not been met by the Admissions Authority the law gives you a chance to put your case to an independent Appeal Panel. The Appeal Panel is your opportunity to put your side of the argument and persuade them that your child should have a place at your preferred school.

Where does it all take place?

Meetings of Appeal Panels are held at County Hall, Worcester. **If you have a disability or a special need which would make it difficult for you to attend, please let the Clerk know as soon as possible.**

Who will be at the Panel?

The Appeal Panel is made up of three people who are totally independent of the County Council (or the school in the case of Academies, Foundation Schools, Free Schools and Voluntary Aided Schools) and are generally not from your local area.

An officer from the Children's Services Directorate (or from the school in the case of Academies, Foundation Schools, Free Schools and Voluntary Aided Schools) 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 correct procedure - the right way to do things. The Clerk is also present to see "fair play" and usually brings a colleague who will take notes for the Panel's benefit.

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.

General advice is 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?

Every effort is made to ensure that the Appeal is informal, but so that everyone gets a say there is a simple order to follow. How this takes place 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.

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 then 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 to make clear any points of doubt.

You will then be asked to say whatever you wish in support of your child going to your preferred school. 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 Admission 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.**

It may help to know that a single Appeal usually lasts under an hour.

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)

- Presentation of the Admission Authority's statement
- Questions by parents and members of the Appeal Panel on the statement

PART 2
(with each set of parents seen individually at 15-20 minute intervals)

- Your opportunity to speak to the Panel in private on your particular case
- Questions by Panel and the Admissions Officer
- Summing up by Admissions Officer
- You have the final word

The second part of the Appeal is arranged so that you have about 15-20 minutes and a time given so that you have an approximate idea of when your personal Appeal will start.

What can I say?

It is important that you say whatever you think is relevant to your argument. Don't think "Oh that's not really important"; both the Clerk and the Chairman will want to be certain that you don't leave your Appeal thinking that things have been left unsaid.

Do I need to be at the Appeal?

Please remember that the Appeal Panel have NOT made a decision on your case at this stage and therefore this is your opportunity to provide the Panel with a full picture of all the circumstances surrounding your preference for the particular school in question – in other words why you want your son or daughter to go to the preferred school.

The Appeal Panel are happy to consider your Appeal on any letters or other written material you have sent – in other words by written representation. However, you may feel it might help your case if you are there on the day to put your views in person and answer any questions the Panel may put to you. 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 a large number of appeals sometimes means dates have to be arranged during school holidays although every effort is usually made to avoid this.

If you know that it will be **impossible** for you to attend an appeal at a certain time let the Clerk know as soon as possible. If you cannot come to the appeal and there is no one who can come along in your stead to speak, the Clerk, if it is possible, 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.

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

Earlier in this advice, in the section called "*Education for your child*", it says that the only way the Admissions Authority can refuse your preference is where they say the year group in question is full and they think it would "prejudice the provision of efficient education or efficient use of resources" to let more children in. This means that to let more children into a school year group which is full would be bad not only for the children already there but also for any further children joining them. The Panel have to consider whether the Admissions Authority is correct in its assessment that it would be prejudicial to admit more children to that year group. The decision making process the Panel goes through is explained more fully below.

Prejudice and balance

The Admission Authority says the year-group in question is full. The Admissions Officer has explained her/his statement and you have asked questions. The members of the Panel have listened to this and your personal reasons and are now ready to decide your appeal. The decision is in two stages and includes consideration of whether the Admissions Authority has applied its rules correctly.

FIRST STAGE – EXAMINING THE DECISION TO REFUSE ADMISSION

The Panel must consider:

(a) whether the admission arrangements (including the area's co-ordinated admission arrangements) comply with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998, and whether they were correctly and impartially applied in the case(s) in question (and therefore by implication if they were not, whether the child in question would have been offered a place if the arrangements had been properly applied or did not contravene mandatory provisions), and

(b) whether the admission of additional children to the school would prejudice the provision of efficient education or efficient use of resources or in lay terms does the panel agree with the Admissions Authority that the year group is full?

THE PANEL SAY NO

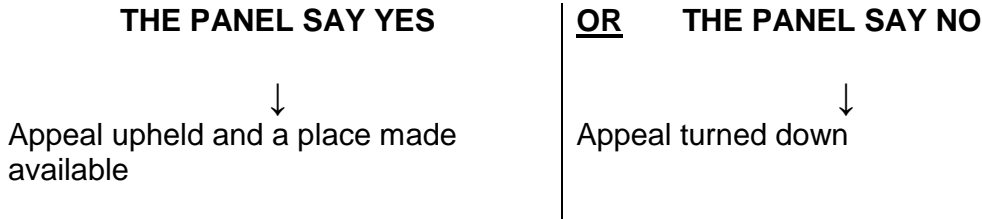
↓
The Panel disagree with the Admissions Officer
↓
They can agree to admit more children to the particular year-group

OR THE PANEL SAY YES

↓
The Panel agree with the Admissions Officer
↓
If the Panel have found that there would be prejudice, that is they agree with the Admissions Officer, there is still a **second stage** in their decision making

SECOND STAGE – BALANCING THE ARGUMENTS

The Panel will look at whether you have given any special reasons during the individual part of your appeal which are so strong and overriding that they outweigh any prejudice the Admission Authority say would occur?



How long will the Appeal process take?

It is difficult to say exactly. As already mentioned if this is a single Appeal about one 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. If you do not arrive on time then your appeal, and those of other appellants, may be delayed.**

The waiting time may vary from as little as 5 to 10 minutes up to 2 hours and in some cases more. It is wise, if you are having to take time off work, to reckon on either a whole morning or a whole afternoon.

A typical timetable may be:

10.00 a.m. Presentation of the case by the representative of the Admissions Authority and questions by parents and members of the Panel.

Individual Appeals:

10.45 a.m.	First Appeal
11.00 a.m.	Second Appeal
11.15 a.m.	Third Appeal
11.30 a.m.	Fourth Appeal
11.45 a.m.	Fifth Appeal
12.00 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 particular Admission Authority involved.

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 and will not be in a position to enter into any further dialogue.

What can I do if my appeal is unsuccessful?

If you are unsuccessful there is no further right of appeal. One way forward is to seek independent legal advice on what other courses of action may be open to you. You may also wish to look at Appendix 2 of the School Admission Appeals Code. (Please note that the Young People's Learning Agency referred to in that Appendix has been abolished and it is the Education Funding Agency you should now complain to in the case of academies and free schools).

Whatever you decide to do there is no guarantee of a place for your child at the preferred school. You are therefore advised to consider making alternative arrangements for your child's schooling. This may mean contacting the relevant Admissions Authority which could be an academy or the Admissions Team at County Hall to talk about the options now open to you. The Admissions Team will be able to talk about alternative schools, transport options and if necessary 'education otherwise'.

Director Commercial and Change Clerk to the Appeal Panel

Tel Worcester (01905) 766607

Fax Worcester (01905) 728747

Email jhigginbotham@worcestershire.gov.uk