

## **THE PROCEDURE FOR HEARING APPEALS**

These are intended to give you additional guidance so that you will be aware of what to expect and enable you to get the most from your Appeal Hearing appointment. It also explains how the panel reaches a decision based on the Admissions Appeals Codes of Practice 2022.

- ◆ Please join the Zoom meeting at least 5 minutes before your scheduled appointment. You will be held in a waiting room until the panel are ready to hear your appeal. Please be patient as previous appeals may run later than anticipated.
- ◆ The Clerk and School's Representative will be present during the Hearing but DO NOT take part in the decision making. The Clerk is there as an independent source of advice on procedure and admissions law and the School's Representative is there to answer any questions regarding the School's Case.

### **THE PANEL:**

The Appeal Panel comprises three people, totally independent of the school, who have been trained to carry out this type of Appeal Hearing. A panel must consist of the following persons with at least one from each category:

- a) Lay people (someone without personal experience in the management of any school or provision of education in any school [except as a school governor or in another voluntary capacity]);
- b) People who have experience in education, who are acquainted with educational conditions in the local authority area, or who are parents of registered pupils at school.

### **THE PROCESS:**

- ◆ There are two parts to the appeal hearing. Stage One and Stage Two. You must attend both meetings as they are held separately.
- ◆ The Chair will introduce him/herself and others in the meeting and explain the procedure to be followed. He/she may ask one of the other panel members to lead the appeal.
- ◆ The School's Representative will then present the School's Case. This is called Stage One and all parents appealing to the school will attend the meeting. The Panel, clerk and school representative will also be present with you.
- ◆ The panel and parents can ask questions of the school's case after the presenting officer has delivered their case.
- ◆ Once all questions have been exhausted, the meeting will end.
- ◆ Stage Two is the opportunity for you to present your case. Please join at the allocated time and wait in the waiting room. Appeals can often over run and every attempt is made to adhere to the scheduled times. Please be patient. You will have the opportunity to present your case and have the allocated time even if it starts later than the scheduled time.
- ◆ The clerk will greet you once the panel are ready to hear your appeal. The school representative will join and then the panel.

- ◆ You will be given an opportunity to explain your reasons for appealing and to explain any special circumstances you want to the Appeal Panel to take into account. The Appeal Panel may ask you questions on your case to help their understanding as can the School's Representative. Finally, the School's Representative may add any closing comments before the Chair sums up your case.
- ◆ The appeal hearing will be allocated a time of 20 minutes. This is a guideline of the time that you should be prepared to submit your case to the Panel. However, you will be given as much time as you feel you need to ensure that you have presented your case to your satisfaction. The Appeal Panel will be as informal as they can in order to make it as easy as possible for you to present your case. Please be mindful that there are a number of appeals being heard on the day and that others may be kept waiting. Having a longer time slot does not mean that you have more chances of your appeal being upheld. Please do not read your form out to the Panel as they would have already read your case. If you prefer, the panel can ask you questions if you have nothing else to add to your submission.
- ◆ At the end of the hearing, you will leave the meeting with the School's Representative so that the panel can discuss your case and reach a decision.
- ◆ The decision of the Panel cannot be given to you at the end of the Appeal Hearing but the Clerk will write to you within 5 school days of the last appeal hearing for that particular school with the decision. The panel's decision is binding on the school and the Governing Body of the school.

### **THE DECISION:**

The Panel makes the decision according to the two-stage decision making process:

#### **First Stage – Examining the decision to refuse admission:**

- Whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the School Admission Code and Part 3 of the School Standard and Framework Act 1998; and
- Whether the admission arrangements were correctly and impartially applied in the case in question.
- The Panel must then decide whether the admission of additional children would prejudice the provision of efficient education or the efficient use of resources

The Panel must uphold the appeal at the first stage if it finds that the admission arrangements did not comply or if the admission of additional children would not cause prejudice as stated in the above points.

#### **Second Stage – balancing the arguments**

The panel must balance the prejudice to the school against the appellant's case for the child to be admitted to the school. It must take into account the appellants reasons for expressing a preference for the school, including what the school can offer the child that the allocated school cannot. If the panel considers that the appellant's case outweighs the prejudice to the school, it must uphold the appeal. The panel must also give due consideration to prejudice and consider the Planned Admission Number for the school but the school must also be able to demonstrate prejudice over and above the fact that the published admission number has already been reached. Further information regarding consideration of prejudice can be found in 3.10 of the Appeals Code of Practice 2022.

In multiple appeals, the panel must not compare the individual cases when deciding whether an appellant's case outweighs the prejudice to the school. However, where the panel finds there are more cases which outweigh prejudice than the school can admit, it must then compare the cases and uphold those with the strongest case for admission.

### **Appeals for Grammar Schools:**

Designated grammar schools are permitted to select children for admission on the basis of academic ability and may leave places unfilled if there are insufficient eligible applicants.

An appeal panel may be asked to consider an appeal where the appellant believes that the child did not perform at their best on the day of the entrance test. In such cases, the appeal may only be upheld if the panel are satisfied that:

- there is evidence to demonstrate that the child is of the academic standard
- where applicable, the appellants case outweighs the school's case that the admission of additional children would not cause prejudice

The panel do not devise its own methods to assess suitability for a grammar school place unrelated to the evidence provided for the hearing.

The Slough Consortium **DO NOT** operate a 'Local Review' process which is a process to determine whether children who have for example failed the entrance test ought to be deemed as being of grammar school standard. Such reviews are completed before the allocation of places and the Consortium do not operate this process.

Where a local review process does not take place the panel will follow 3.13a of the code.

Where a local review does take place the panel must only consider whether each child's review was carried out in a fair consistent and objective way and if there is not evidence that this has been done the panel must follow 3.13a

### **Appeals for Infant class sizes (Reception, Year 1, Year 2)**

For infant class size appeals the panel can only consider the following four points;

- a) whether the admission of an additional child/additional children would breach the infant class size limit;
- b) whether the admission arrangements (including the area's co-ordinated admission arrangements) complied with the mandatory requirements of the School Admissions Code and Part 3 of the School Standards and Framework Act 1998;
- c) whether the admission arrangements were correctly and impartially applied in the case(s) in question; and
- d) whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.