

Overview of the Appeals Process

- i) All transfer and FTA appeals must be heard within 40 school days from the deadline of being lodged. The process involves the Admissions Service preparing a detailed statement on behalf of the school detailing the reason for refusal as well as why the school cannot take any further children. A key aspect of the LA's statement will be to evidence that the admission of more pupils would affect the education of other pupils already in the school, and that if there are more pupils admitted to the school then it would prejudice the efficient provision of education as well as the efficient use of resources.

Once the appeal statement is completed parents are written to inviting them to attend the hearing. Panel members receive both the school's case and the parent's case at least two-weeks prior to the hearing.

- ii) On the day of the hearing strict protocol is adhered to administered by the Clerk to the panel. The appeal will run as a two stage process in the following order:

Stage 1-

- a) case for the admission authority;
- b) questioning by appellant(s) and panel;

- iii) Panel decisions range from; up-holding the appeal in favour of the parent at Stage 1 – often when the school have not made a case, to moving on stage two if the case made – that may up-hold some of the appeals or none of the appeals depending on whether the parent's circumstances out weight the school's pressures:

Stage 2 -

- a) case for the appellant(s);
- b) questioning by the admission authority and panel;
- c) summing up by the admission authority;
- d) summing up by the appellant(s).

- iv) Decisions are made after the final appeal is heard, and the clerk will write to the parents within five working days outlining in detail the panel's determination.

Infant Class Appeals

- v) Regulations made under the School Standards and Framework Act 1998 limit the size of an infant class (a class in which the majority of children will reach the age of 5, 6 or 7 during the school year) to 30 pupils per qualified school teacher (this does not include teaching assistants or nursery nurses). Only in very limited and exceptional circumstances can admission over the limit be permitted.

- vi) Therefore, panels considering an infant class size appeal must pay regard to all of the following matters:
 - 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.

- vii) The panel **may** only uphold the appeal at the first stage where:
 - a) it finds that the admission of additional children would not breach the infant class size limit; or
 - b) it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or
 - c) it decides that the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.

- viii) The panel **must** dismiss the appeal at the first stage where:
 - a) it finds that the admission arrangements did comply with admissions law and were correctly and impartially applied; or
 - b) it finds that the admission arrangements did not comply with admissions law or were not correctly and impartially applied but that, if they had complied and had been correctly and impartially applied, the child would not have been offered a place; and it finds that the decision to refuse admission was one which a reasonable *admission authority could have made*.

The decision

- ix) The appeal panel's decision-making is binding on all parties. If the outcome is not in favour of the parent, the only recourse is to complain to the Ombudsman, to contact the Secretary of State or to seek a judicial review. All these courses of action however cannot overturn the panel decision but may if found in the parent's favour require the appeal to be heard again in front of a new panel.

- x) In normal circumstances a parent may only appeal once for the same school per academic year. In very rare instances, a second appeal maybe allowed if

the parent can demonstrate a significant and material change in the family's circumstances i.e. a house move.

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