

Admissions Appeals to the Independent Appeals Panel Notes for guidance

These notes are intended to help you understand how the independent appeal system operates. They amount to a very brief summary of the law and procedures. If you have any problem or queries about the appeal, please contact the Clerk to the Independent Appeals Panel at the school. You should send your completed form to the school. The notes are based upon the document Code of Practice: School Admission Appeals Code published by the DfE in 2012. The full code can be found on the DfE website: www.education.gov.uk/aboutdfe/statutory/g00213244/school-admission-appeals-code-2012

1. Basis of the Governors' Decision

Under Section 86 of the School Standards and Framework Act 1998 (as amended by the Education Act 2002) The Brooksbank School must comply with a parent's wishes when admitting pupils to the school unless:

- it would prejudice the provision of efficient education or the efficient use of resources

2. Right of Appeal

A person who is not satisfied with the decision of the Governors can appeal. The Appeal Panel is independent of the Governors. It is composed of lay people and people with education experience who have not been involved in the original decision. The Council on Tribunals supervises the Appeal Panel's constitution and working. It is open to investigation by the Local Government Ombudsman. The Department for Education has issued a code of practice, which will be closely followed by the panel. A Clerk will be present at the hearing to advise the Panel on law and procedure.

3. How to Appeal

Appeals can be made either

- by providing written evidence only, or
- by providing written evidence and attending the meeting to give oral evidence

You decide which of these alternatives you prefer.

If you choose not to come to the meeting, the Appeals Panel will make its decision on the basis of the following

- the Governors' decision letter and their statement in respect of that decision;
- your Notice of Appeal;
- any evidence that you have supplied previously in respect of a place for your child
- any further evidence that you supply with this appeal notice. This additional information must be submitted with your Notice of Appeal

4. Grounds for Appeal

When you are filling in the Notice of Appeal, you must include all the arguments that you will be relying on. The panel will take into account both your wishes and the Governors' published admissions policy in reaching a decision.

5. Adjournments and Absence

If you have said you wish to attend the hearing and yet do not arrive at the meeting in question, the Appeals Panel may deal with the case in your absence. They may then hear oral evidence from the Governors. There will be no opportunity for the case to be heard again.

6. **Timing of the Appeal**

Where possible the Appeals Panel will hear all the appeals on the same day. If this is not possible, the Panel will, if possible, arrange to meet on consecutive days. No decision will be made until all the appeals have been heard.

7. **The Hearing**

The Appeals Panel will conduct the proceedings in an informal manner. The order of events will be as follows:

- the Governors' representative will explain why they feel they should not admit more pupils into the school. You and the Panel may ask questions.
- you will explain why you think your child should be allowed a place in the school. The Governors' representative and the Panel may ask you questions.
- both sides will sum up their case. You will have the last word.

It is important to remember that a number of parents are competing for places at the school. You need to give reasons why **your** child should be admitted to **this** school.

8. **Representation**

The atmosphere of the Appeal hearing is intended to be informal. The Council on Tribunals, which oversees the operation of Appeals Panels, and the Department for Education, which gives guidance on procedures, both agree that legal representation is hardly ever necessary or appropriate. However, you are welcome to bring a friend or representative with you if you wish. If you require a translator one will be provided for you.

Appeals are held in private, but a member of the Council on Tribunals may attend as an observer.

9. **Evidence**

You need to prove your case. If you wish to suggest that there are medical, educational or psychological reasons in favour of your child's appeal, it would be helpful to produce written evidence from appropriate expert sources. Normally, there is no need for pupils or witnesses to attend. A letter is usually appropriate evidence.

Remember that written evidence should be submitted at the same time as the completed form.

10. **The Decision**

The Appeal Panel must adopt a two-stage process in reaching its decision. First, it must decide whether allowing more pupils into the school would prejudice the provision of efficient education or the efficient use of resources. If not, then some pupils must be admitted.

If it decides that the school has a reasonable case, it must move onto the second stage, and consider the argument for each child. If, on balance, it decides that the parents' argument is stronger than that of the school, then it will decide that the child should be admitted.

You will receive a letter informing you of the Appeals Panel's decision after all the appeals have been heard. The decision is final, binding on the school and on the parents.

It may be reviewed by the Ombudsman or by the Secretary of state for Education only if there have been procedural irregularities.

More Information and Guidance

You might find the following website and the documents on it helpful: www.ace-ed.org.uk

Document: "Appealing for a School" www.ace-ed.org.uk/advice-about-education-for-parents/School_Admissions_and_Appeals