

be invited to give your reasons for the appeal. The panel and the Governors' representative may ask you questions to clarify any points you make.

- Finally, both the Governors and yourself will be given an opportunity to sum up.

The Clerk may need to advise the panel clarifying any points of procedure and/or the law.

The Chair will then close the hearing and advise you that the panel will consider your case once all the appeals for the school have been heard. The Clerk remains with the panel solely to record their decision and to offer any procedural or legal advice.

*Sometimes, usually at Secondary Transfer time, the stage 1 and stage 2 parts of your hearing are held at different times and possibly on a different day. If this is the case, the stage 1 hearing will be heard with other parents present.*

#### ✓ How will the panel make their decision?

The panel make their decision in two stages without the Governors or anyone from the school present.

At the first stage the panel reviews the decision to refuse a place. The panel looks for any errors, unlawfulness and decides whether admitting an additional child would prejudice the provision of efficient education at the school. If they agree, the panel accepts the "prejudice" case as proven and moves onto the second stage.

However, if the panel do find errors or it was an unlawful decision and/or the Governors did not prove its "prejudice" case, then you will win your appeal without going onto the second stage.

At the second or balancing stage, the panel decides whether your reasons for wanting a place outweigh the problems that could arise if an additional pupil is added to the school's roll.

#### ✓ When will I hear the result?

The decision, together with the reasons for the decision, will be sent to you and the school in writing by the Clerk within five school days after all the appeals for your preferred school have been heard. The panel's decision is binding on the you and the school.



#### ✓ What happens if I do not attend the hearing?

If you decide not to attend the hearing, the panel will consider the appeal on the basis of the written information available. However, we strongly urge you to attend in order to ensure that the panel has all the information you wish to give. It also gives you the opportunity to answer any questions which may arise.

#### ✓ Can I appeal against this decision?

If you think that the appeal has not been conducted according to the code of conduct you can complain to the Education Funding Agency. **They cannot overturn the panel's decision.** However, if it is believed that you have been disadvantaged by the appeal process, you may be offered a fresh hearing with a different panel and Clerk. For more details available from the internet:

[www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure](http://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure)

#### ✓ I have never done this before. Where can I get further information and advice?

The code of conduct allows for the Clerk to give you independent advice regarding the appeal process. If you have a question about the statement from the school, contact us. We may suggest you speak to the school to clarify matters. Our contact details are on the front page. E mail is always the easiest way to contact us. Additionally, ACE a charity run by volunteers will give limited free advice. They can be contacted on 0300 0115 142, Monday to Friday from 10 am - 1 pm, during term time only.

#### ✓ In Year or Mid Term applications and appeals

You can apply for a place at a school at any time. If the school has a vacancy in the year group and no waiting list, you will be offered a place. If not, you can go on the waiting list and be offered the right of appeal. All waiting lists are kept in the order of the published admission criteria and not date order. To appeal you must complete an appeal form AND give the reasons for your appeal. Appeals for an "in year" place are held within 30 school days of your appeal being lodged.

# Admission Appeals for Academies and Free Schools

## A Guide for parents and carers



Clerk to the School Admission Appeals Panel  
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Educationappeals Dotcom

Providing  
Education Admission Appeals  
Independent of schools

### ✓ Your right to appeal

If your child has been refused a place at a secondary school of your preference or if you are unhappy with the alternative you have been offered, you have the right to appeal against the decision. Admissions for all Academy, Foundation and Voluntary Aided (faith) schools are administered by the school's Governors, as the Admission Authority. The right to appeal is given under section 94 of the School Standards & Framework Act 1998.



**These notes apply to appeals for years 7 to 11 at an Academy or Free School. The Code for appeals is exactly the same as for Community Schools.**

### ✓ What is an appeal panel?

The panel who will hear your appeal is independent of the school. It consists of three people who are familiar with education in the area and have no present or past connection with the school, except they may have heard previous appeals for the school. The hearings must be conducted in accordance with the law, following a procedure set out in a code of practice used by every education admission authority in the country.

We make every effort to ensure that the proceedings are as informal as possible and that you have the opportunity to explain the reasons for your appeal in your own way and to ask questions.

### ✓ When will my appeal be heard?

Ten school days before the hearing, you will be told where and when your appeal will be heard. About a week before the hearing, you will be sent a statement setting out the reasons why the school could not offer your child a place at the school and a copy of your appeal form. This paperwork **may** be sent at



the same time as the invitation letter. Please bring these papers with you as they will help you at the hearing to understand what the Governors' representative is saying.

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All schools have published admission policies. The statement from the Governors sets out how your application was considered in accordance with the admissions policy for the school. At the beginning of the appeal hearing, you will hear the reasons why your child could not be offered a place at your preferred school. This **may** be heard with other parents present. However, the part of the hearing where the panel invite you to tell them your reasons why you would



like a place at your preferred school, will be held in private. We would like to encourage you to attend the hearing in person and you may be accompanied by a friend or a representative.

### ✓ Am I wasting my time appealing?

No, appeals for places in secondary schools can be successful, but only if you demonstrate a strong case that proves that **this** school is the **only** school that can meet the needs of your child; or the Governors are not able to convince the panel that the admission of an additional child would prejudice the provision of efficient education at the school. You may for instance, have strong medical or social reasons why your preferred school is the only school which can accommodate your child's needs. The panel will certainly be eager to listen to your reasons for wanting a place.

The panel make their decision in two stages. Firstly, they examine the decision to refuse a place. Did the



Governors consider your application using their published admissions policy? At this first stage they will search for any errors that may have occurred. It could be that you know of an error? For example, you have a sibling at the school which was not taken into account or your child lives nearer the school than the last child to be offered a place under the distance priority. The panel will also check that the school meets the mandatory provisions of the School Admission Code. Finally, at this stage the panel will consider whether it is satisfied

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that the admission of an additional child would prejudice efficient education at the school.

If the panel accept that there were no mistakes when your application was considered, the school acted lawfully and that the admission of another child would prejudice efficient education, they then move onto the second or balancing stage. This is an onerous task. The panel uses its discretion to weigh up the advantages which would be achieved by complying with your preference as against the problems it would cause the school by admitting an additional pupil.

We would encourage you to prepare in advance the hearing, e.g. write an outline of what you wish to tell the panel. We also suggest that you carefully read the Governors' written statement which explains why they could not offer a place at the school and how the admission arrangements were applied.

### ✓ What will happen at the hearing?

When you arrive at the hearing, the Clerk of the panel will meet you in the waiting area and take you to the meeting room.

The Chair will invite everyone present to introduce themselves. The panel will be three local people who are volunteers and totally independent of the school (and Local Authority) you wish your child to attend. Some have direct experience in education, others are known as lay members. All panel members have been trained before they can sit on appeal panels. The Clerk is more than just a notetaker, he or she can offer the panel legal advice.



The Chair will then:

- **At stage 1**, ask the Governors' representative to explain how the published admission criteria were applied and why the Governors consider they are unable to comply with your preference.
- Then, the panel and you may ask questions about what was said by the Governors' representative or in the written statement.
- **At stage 2**, you or your representative will

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