

A GUIDE TO SCHOOL ADMISSION APPEALS

This guidance will provide an overview of the appeal process, and answer the most common questions about an appeal hearing.

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1. How do I submit an appeal?

You will need to complete an appeal form setting out the grounds of your appeal. To complete a form on-line go to the School Appeals section of the Council's web page <http://www.brighton-hove.gov.uk/>.

Please note that there are two types of appeal form: Reception Year to Year Two, and Year Three to Year Eleven. Please ensure you use the correct form.

2. Can I appeal for more than one school?

You can appeal for any school which you named on the preference form and were refused a place at. Please complete a separate appeal form for each school. You cannot appeal for a school you did not name as one of your preferences.

3. What happens once I've submitted an appeal?

Once you've submitted an appeal you will receive confirmation that the form has been received. A hearing will then be arranged and you will be notified of the date and location of the hearing. A week before the hearing you will be sent a copy of the Admission Authority's paperwork, and the time of the hearing will be confirmed.

4. Who will be at the appeal hearing?

- You, if you choose to attend
- The Appeal Panel (3 members)
- The Clerk to the Appeal Panel
- A presenting officer from the Admission Authority and possibly a representative of the school

5. Will the appeal be heard in private?

Yes, any hearing where your child is discussed will be in private. However, if there are multiple appeals for the same school, we may hold what's called a 'plenary hearing' prior to your individual hearing. At the plenary hearing, the Admission Authority and Head Teacher will present their case about the school (not about any individual child). If you are invited to a plenary hearing, you will also be invited to another hearing which will only be about your child (which will be held in private).

6. Who are the Appeal Panel members?

The Panel members are volunteers and are independent of the Admission Authority, parents and any school connected with the appeal hearing. They have all been fully trained in the legislation concerning appeal hearings.

7. What powers does the Appeal Panel have?

Any decision made by the panel is binding on the Admission Authority, the Appellant (parent or carer), and the school the appeal is for.

8. What is the role of the Clerk?

The Clerk is not part of the panel and will not be involved in making any decision.

The role of the clerk is to:

- be an independent source of advice on the law and procedures;
- record the proceedings, attendance, decisions and reasons; and
- after the appeal, notify all parties concerned of the Panel's decision

9. What is the role of the Admission Authority at the hearing?

The Admission Authority representative will explain why a place could not be offered to your child at your preferred school, and the impact on the school of taking additional pupils. The presenting officer will answer any questions raised by you and the Panel members.

A representative of the school may also attend the hearing. Their role is to explain the impact on the school of having an additional child or children at the school.

A copy of the Admission Authority and School's case will be sent to you prior to the hearing.

10. Should I attend the appeal hearing?

Yes, if you can as you will be able to answer any questions the panel may have about your case. However, if you are not able to attend, or choose not to, the Panel will make a decision based on the information provided in your appeal papers.

11. What happens if I need an interpreter/signer or other help?

Please state on your appeal form if you would like an interpreter or a signer, or if you have any mobility issues. Do contact the office if you would prefer to discuss your requirements.

12. Can I bring someone with me to help me present my case?

You may bring a member of your family, a friend, an adviser or a representative along with you, either to help you say what you want or to speak for you or to simply give you support.

13. Can I bring my child to the appeal hearing?

It is for you to decide whether your child should attend the hearing. However, in the normal course of events children are not expected to attend the hearing and they may find it difficult, particularly if their needs are being discussed by you and the Panel.

14. Can I withdraw my appeal?

Yes, you can withdraw your appeal before the appeal hearing by contacting the Clerk to the Appeal Panel. Please do let us know if you decide to withdraw your appeal as another appeal can then be heard instead. If you later change your mind, the appeal may be reinstated at a later date. It is preferable if you can confirm in writing.

15. When will I be informed of the date and time of the hearing?

If it is part of the normal admission round (i.e. to start primary or secondary school in the following September) it will be held within 40 school days of the deadline for submitting appeals, or within 30 school days if it is for an in-year application.

You will be notified of the date of your hearing ten school days prior to the hearing. You will be notified of the time of the hearing a week before the hearing.

16. Where will the appeal be held?

The majority of appeals will be held at Hove Town Hall but some will be held in other locations. You will be notified of the venue when you are informed of the date of the hearing, so please check your letter carefully.

17. Will I have any information about the Admission Authority's case before the appeal hearing?

You will be sent a full set of papers prior to the hearing, usually a week before the hearing. The papers will comprise of the appeal form and any additional papers you may have submitted, and the paperwork which the Admission Authority have submitted.

18. Can I provide additional paperwork at the hearing?

Any additional papers must be supplied **5 days prior** to the hearing. Any papers sent after this date will only be accepted with the agreement of the Chair of the Panel.

19. Can I ask the Appeal Panel to contact anyone, such as a doctor or social worker, to confirm what I have said on my appeal form or at the appeal hearing?

You are responsible for providing any supporting evidence which you wish the Panel to consider. The Panel will only consider information put before them and will not contact any third party.

20. How long does an appeal hearing take?

If there are multiple appeals for the same school, it is likely that your appeal will be held in two parts. The first part is called a Plenary Hearing and everyone who has submitted an appeal will be invited. Depending on the number of attendees, this hearing is likely to take 30 to 90 minutes. You will then be invited to the second part, which is your Individual Hearing. The Individual Hearing is likely to take 20-30 minutes.

All times given are approximate.

21. What will happen at the appeal hearing?

Individual hearing

At the hearing there will be the three panel members, clerk, representative of the Admission Authority, and you.

The Chair will begin the hearing by introducing the panel and explaining the order of the hearing and how they will make their decision.

The hearing will begin with a representative of the Admission Authority explaining how your child's preference form was processed and why it wasn't possible to allocate a place at the preferred school, and explaining the impact on the school if another child were allocated a place. You and the Panel members will then have the opportunity to put any questions to them. The Panel will then ask you to put your case. The Panel and Admission Authority will then have the opportunity to ask you any questions on the issues you have raised. The Chair will then ask both you and the Admission Authority to sum up your case.

Plenary Hearing

At the hearing there will be the three panel members, clerk, representative of the Admission Authority, Head Teacher of the school in question, and all parents who have submitted an appeal.

The Chair will begin the hearing by introducing the panel and explaining the order of the hearing and what issues they will be considering.

The hearing will begin with a representative of the Admission Authority explaining how the places were allocated at the school. The Head Teacher (or representative of the school), will explain the impact of the school of taking additional pupils.

22. How will the Panel make their decision?

Y3 – Y11 Single Appeal

The Panel must consider the following:

- Whether the admission arrangements complied with the admissions law and whether they were correctly and impartially applied.
- Whether the admission arrangement were correctly applied in your child's case.
- Whether the school could admit an additional child without prejudicing the efficient education or efficient use of resources.
- If they think that prejudice would occur, they will then balance the reasons for your child to go to the school against the prejudice to the school.

RY- Y2 Appeal

The Panel must consider the following:

- Whether the admission of an additional child would breach the infant class size limit.
- 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 Standards and Framework Act 1998
- Whether the child would have been offered a place if the admission arrangements been applied correctly
- Whether the decision to refuse was not one which a reasonable* admission authority would have made in the circumstances of the case.

** Please note that the threshold for finding that an admission authority's decision to refuse admission was not one that a reasonable authority would have made is high. The School Appeal Admission Code states "The Panel will need to be satisfied that the decision to refuse to admit the child was 'perverse in the light of the admission arrangement' i.e. it was 'beyond the range of responses open to a reasonable decision maker' or 'a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it'.*

23. When will I be informed of the Appeal Panel's decision?

The Panel will make a decision on the day of your appeal, or after the last appeal has been held when there are multiple appeals. The clerk will confirm at the hearing when the Panel will be making their decision, and when you will be informed of it.

For further information please contact:

Lisa Johnson (Principal School Appeal Clerk)
Tel – 01273 291228

Thomas McColgan (Appeals Coordinator)
Tel – 01273 290569

Email: schoolappeals@brighton-hove.gov.uk

Further Guidance

For independent advice, you may find the following organisation helpful:

Ace Education

<http://www.ace-ed.org.uk/>

Advice line: **0300 0115 142**