

Independent School Appeals Panel

School Admission Appeals guidance notes for parents

This document explains the admission appeal process.

Please read carefully and if you have any questions contact:

Claudette Campbell
School Appeals Co-ordinator
Democratic Services
Email: school.appeals@bristol.gov.uk

Why Appeal?

If you are refused a place at your preferred school by the Local Authority or Governing Body, you have the right (under the Schools Standards and Framework Act 1998 Section 94 as amended by the School Admissions Regulations 2012), to appeal against the decision. At your appeal hearing, you can tell an Independent Panel your reasons for preferring a particular school for your child. The Panel will decide whether your reasons are strong enough to overturn the decision of the Local Authority (LA) or Governing Body in the case of Voluntary Aided (VA)/Foundation Schools or Academies.

If you have any concerns or complaints about how your appeal was conducted you should contact the School Appeals Officer:

Bristol School Appeals Co-ordinator
Claudette Campbell, Democratic Services Bristol City Council
Email: school.appeals@bristol.gov.uk

How is my appeal organised?

At least 14 days before your hearing, the School Appeals Co-ordinator will send you details of the time and place of your appeal. The papers for the appeal (which include your case and the school's case) will be sent out to you, to the Panel and to the Local Authority/Governing Body. Please let us know whether you will be attending and send us any further written evidence that you wish the Panel to consider two working days before the hearing date.

The Appeal Panel

Three people (who are all trained volunteers) sit on each school admission appeal panel, they include the following:

- people who have experience in education, are acquainted with educational conditions in the LA's area or who are parents of registered pupils at a school; and
- lay members who have no personal experience in the management or provision of education in any school (other than as a governor or volunteer helper) but not in the school for which you are appealing.

All panel members have been trained. The panel will be independent of the LA (or Governing Body in the case of VA/Foundation Schools or Academies) and will have no connection with any of the schools being appealed for.

Who else will be present at the hearing?

The clerk (a member of the Council's Democratic Services section) will give guidance on the conduct of the appeal if necessary and will keep an accurate note of the hearing. The clerk also ensures the appeal hearing is conducted fairly. The clerk takes no part in the decision making. There will be a representative from the School (or Governing Body in the case of VA/Foundation Schools or Academies) who will explain why admission to the school has been refused. You may wish to have someone in the appeal with you who is there for support, please let us know who that will be, their contact information if needed, and their relationship. That support person can stay with you throughout but will be asked to speak only when invited to by the panel.

How to go about making your case

You should provide written information to support any particular reasons for your appeal and where possible provide supporting documentation.

Please send any documents to the School Appeals Officer one week before the hearing if possible. Evidence should be emailed to school.appeals@bristol.gov.uk quoting the name of your child and the school appealed for in the subject line.

If you wish to call a witness, please inform us of the name and contact details, including email address, of the witness. Also required is a written summary of the evidence they intend to give. A copy would be provided to the admissions authority and panel in advance and witnesses can only attend for the part of the hearing involving their evidence. Please note however, that the panel do accept written evidence only and do not require there to be attendance of witnesses in person. The evidence to be given by witnesses must be relevant to the issues involved in the appeal and not just repeat information provided by another party.

If you wish to be represented at the hearing, please let us know in advance, providing us with contact details and permission to include them in correspondence about to your child.

Do I need to attend the hearing?

You are encouraged to attend both stages of the appeal. Your presence enables the Panel to ask you questions and get a clear understanding of your case. You are welcome to have a friend or relative to support you, who may also speak on your behalf. If you decide not to attend, the appeal may be decided on the basis of your written submission.

Appeals will be held using Zoom. So long as you have access to a computer, tablet or phone you will be able to take part remotely. We will provide you with all the information you need and we will have colleagues on hand to provide you with technical support.

If you are not able to use Zoom please contact us to discuss alternative ways we may be able to conduct your appeal such as telephone, by written submission in your absence or in person.

Request for an Interpreter

If you need an interpreter at the hearing, we require a minimum of five working days to make the arrangements. Please contact us by email to school.appeals@bristol.gov.uk. In the subject line of the email please put the name of the school you are appealing for.

At the Appeal Hearing

We try to keep appeal hearings as informal as possible, but we follow a set procedure which ensures that all appeals are heard in the same way. There are two types of appeal:

- Individual (or in-year/mover) appeal - these are heard throughout the year for different schools and different year groups.
- The second type of appeal is the group (or bulk) appeal that is held in the summer for entry to the reception year for primary schools or Year 7 for secondary schools.

There are set procedures for each type of appeal.

The Order of the Appeal

1. Presentation of the school's case
2. Questioning by the parent and panel of presenting officer
3. Summing up by the school's presenting officer
4. Short Adjournment for Decision on School's Case
5. Presentation of the case by the parent
6. Questioning by the school's presenting officer and the panel
7. Summing up by the parent
8. Chair conclude and both parties leave - decision to follow in 5 working days

Group (or bulk) appeals

- The school's case will be presented at a single group hearing to which all parents appealing for places at that school will be invited (more detail set out below)
- Parents will be invited to direct questions (only on the school's case, not their child's case) to the school's presenting officer.
- You will be given a separate time to return for your individual hearing with the Panel - this stage of the hearing will proceed on the lines of points 5 - 7 shown above although the school will have an opportunity to provide information about your individual case before your case commences.

Decision making in individual and group appeals for year 7

The Panel will make its decision after hearing the case for both parties. The decision making will take place after all appeals have been heard.

First stage - examining the decision to refuse admission in individual and group appeals for year 7

Following the School's presentation, the panel considers the school's case and decides whether admitting your child would affect (or 'prejudice') the provision of efficient education or the efficient use of resources. If they decide 'prejudice' has been proved, they move on to the next stage.

a) Second balancing the arguments in individual appeals

the panel has to balance the parents' reasons against the case made by the schools presenting officer. If the panel feel that your reasons outweigh those of the school, your appeal will be upheld and your child will be given a place.

b) In group appeals

Following all the individual hearings and if the panel decides that some appellants cases outweigh the prejudice to the school then the panel will compare the individual cases and will uphold the strongest cases. For more detailed information please read the School Admissions Appeal Code located at www.gov.uk.

Infant Class Size Appeals

Infant Class Size appeals happen when a school place has been refused in Reception, Year One or Year Two on the grounds that the school cannot take more than the **legal limit of 30** pupils in a class with one qualified teacher.

Government Legislation limits the circumstances in which appeal panels may uphold an Infant Class Size appeal. The Panel will review the decision already made and **must** consider **all of the following matters**:

- Whether the admission of an additional child/additional children 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 Admissions Code and Part 3 of the School Standards and Framework Act 1998;
- Whether the admission arrangements were correctly and impartially applied in the case(s) in question; and
- Whether the decision to refuse admission was one which a reasonable admission authority would have made in the circumstances of the case.

What does class size prejudice mean?

Statutory limits on class size means that, subject to certain limited exceptions infant classes with a single qualified teacher cannot contain more than 30 pupils.

The Admission Authority does not have to meet parental preference if this would mean having to take '**relevant measures**'. This can apply where these steps are necessary in this year or in any other infant classes your child may be in, in the future.

What does 'relevant measures' mean? Relevant measures include those things such as:

- Employing an additional teacher
- Building an extra classroom

What does 'unreasonable' mean in the context of Class Size Appeals?

Unreasonable means irrational or perverse in the light of the admission arrangements, i.e. it was 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. So the appeal panel must decide whether it was perverse in the circumstances of the case, including the admission arrangements, to refuse to admit your child.

I've never been to appeal before and I'm nervous

The appeals process operates within a formal legal framework and as such, can seem daunting for some parents. The Panel members and officers all understand that it can be a stressful and emotional experience and so we try to ensure that you are always treated with courtesy, patience and understanding.

What if I have additional needs?

If you have any particular needs or concerns about the appeal process or you think you might have difficulty in accessing the appeal, please contact the Coordinator, whose name and address are given overleaf. We will do whatever we can to help or re-assure you.

Results of Appeals

After the hearing the clerk will advise you when the decision making will take place. You will be informed when you can find out the result of your appeal. In any case you will be informed in writing about the result of your appeal and the reasons for the Panel's decision.

Further Information

After the hearing the Chair will ask whether you have had the opportunity to say everything you needed to say.

The decision of the appeal panel is binding on all parties.

If you have any concerns or complaints about how your appeal was conducted you should contact the School Appeals Officer:

Bristol School Appeals Co-ordinator

Claudette Campbell, Democratic Services, Bristol City Council

Email: school.appeals@bristol.gov.uk

Useful addresses

Department for Education

Piccadilly Gate Store Street Manchester. M12WD

Website: www.education.gov.uk

Call: 0370 000 2288

Advisory centre for Education (ACE)

72 Durnsford Road London. N11 J37

Appeals information on ACE website: http://www.ace-ed.org.uk/advice-about-education-for-parents/school_admissions_and_appeals

Call: 020 8888 3377

Local Government Ombudsman

PO Box 4771, Coventry. CV4 0EH

Website: www.lgo.org.uk

Call: 0300 061 0614

Complaints about Academies and Free Schools are not heard by the Local government Ombudsman. They should be directed to the Education Funding Agency [School admissions: Complain about the appeals process - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/school-admissions-complain-about-the-appeals-process)

Government Guidance for Parents and Guardians on School Admission Appeals can be found here:

<https://www.gov.uk/government/publications/admission-appeals-for-school-places/advice-for-parents-and-guardians-on-school-admission-appeals>